

Senate File 2298

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AN ACT

MAKING, REDUCING, AND TRANSFERRING APPROPRIATIONS, PROVIDING
FOR GOVERNMENT AND ECONOMIC DEVELOPMENT-RELATED TAXATION,
SURCHARGE, AND FEE MATTERS, PROVIDING FOR OTHER PROPERLY
RELATED MATTERS, AND INCLUDING PENALTY AND EFFECTIVE AND
RETROACTIVE AND OTHER APPLICABILITY DATE PROVISIONS.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I ADMINISTRATION AND REGULATION

Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES. There
is appropriated from the general fund of the state to the
department of administrative services for the fiscal year
beginning July 1, 2004, and ending June 30, 2005, the
following amounts, or so much thereof as is necessary, to be
used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous
purposes, and for not more than the following full-time
equivalent positions:

.....	\$	4,616,351
..... FTEs		233.95

UTILITY COSTS

2. For the payment of utility costs:

..... \$ 2,576,000

Notwithstanding section 8.33, any excess funds appropriated
for utility costs in this subsection shall not revert to the
general fund of the state at the end of the fiscal year but
shall remain available for expenditure for the purposes of
this subsection during the fiscal year beginning July 1, 2005.

3. For distribution to other departments:

..... \$ 10,802,911

Moneys appropriated in this subsection shall be separately
accounted for in a distribution account and shall be
distributed to other governmental entities based upon formulas
established by the department to pay for services provided
governmental entities by the department as described in
chapter 8A.

4. Members of the general assembly serving as members of
the deferred compensation advisory board shall be entitled to
receive per diem and necessary travel and actual expenses
pursuant to section 2.10, subsection 5, while carrying out
their official duties as members of the board.

5. Any funds and premiums collected by the department for
workers' compensation shall be segregated into a separate
workers' compensation fund in the state treasury to be used
for payment of state employees' workers' compensation claims
and administrative costs. Notwithstanding section 8.33,
unencumbered or unobligated moneys remaining in this workers'
compensation fund at the end of the fiscal year shall not
revert but shall be available for expenditure for purposes of
the fund for subsequent fiscal years.

Sec. 2. REVOLVING FUNDS.

1. There is appropriated from the general fund of the
state to the department of administrative services for the
fiscal year beginning July 1, 2004, and ending June 30, 2005,
the following amount, or so much thereof as is necessary, to
be used for the purposes designated:

For start-up funding for revolving funds under the control
of the department of administrative services and for salaries,
support, maintenance, and miscellaneous purposes:
..... \$ 1,889,610

Notwithstanding any provision of this section to the
contrary, the department of administrative services shall
deposit \$1,889,610 in the general fund of the state from
moneys in departmental revolving funds and internal service
funds at the end of the fiscal year.

2. There is appropriated to the department of
administrative services for the fiscal year beginning July 1,
2004, and ending June 30, 2005, from the revolving funds
designated in chapter 8A and from internal service funds
created by the department, such amounts as the department
deems necessary for the operation of the department consistent

3 6 with the requirements of chapter 8A.
 3 7 Sec. 3. READY TO WORK PROGRAM COORDINATOR. There is
 3 8 appropriated from the workers' compensation trust fund to the
 3 9 department of administrative services for the fiscal year
 3 10 beginning July 1, 2004, and ending June 30, 2005, the
 3 11 following amount, or so much thereof as is necessary, to be
 3 12 used for the purposes designated:
 3 13 For the salary, support, and miscellaneous expenses for the
 3 14 ready to work program and coordinator:
 3 15 \$ 89,416
 3 16 Sec. 4. FUNDING FOR IOWACCESS.
 3 17 1. Notwithstanding section 321A.3, subsection 1, for the
 3 18 fiscal year beginning July 1, 2004, and ending June 30, 2005,
 3 19 the first \$1,000,000 collected and transferred by the
 3 20 department of transportation to the treasurer of state with
 3 21 respect to the fees for transactions involving the furnishing
 3 22 of a certified abstract of a vehicle operating record under
 3 23 section 321A.3, subsection 1, shall be transferred to the
 3 24 IowAccess revolving fund established by section 8A.224 and
 3 25 administered by the department of administrative services for
 3 26 the purposes of developing, implementing, maintaining, and
 3 27 expanding electronic access to government records as provided
 3 28 by law.
 3 29 2. All fees collected with respect to transactions
 3 30 involving IowAccess shall be deposited in the IowAccess
 3 31 revolving fund and shall be used only for the support of
 3 32 IowAccess projects.
 3 33 Sec. 5. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION
 3 34 CHARGE. For the fiscal year beginning July 1, 2004, and
 3 35 ending June 30, 2005, the monthly per contract administrative
 4 1 charge which may be assessed by the department of
 4 2 administrative services shall be \$2.00 per contract on all
 4 3 health insurance plans administered by the department.
 4 4 Sec. 6. AUDITOR OF STATE. There is appropriated from the
 4 5 general fund of the state to the office of the auditor of
 4 6 state for the fiscal year beginning July 1, 2004, and ending
 4 7 June 30, 2005, the following amount, or so much thereof as is
 4 8 necessary, to be used for the purposes designated:
 4 9 For salaries, support, maintenance, and miscellaneous
 4 10 purposes, and for not more than the following full-time
 4 11 equivalent positions:
 4 12 \$ 1,092,755
 4 13 FTEs 106.30
 4 14 The auditor of state may retain additional full-time
 4 15 equivalent positions as is reasonable and necessary to perform
 4 16 governmental subdivision audits which are reimbursable
 4 17 pursuant to section 11.20 or 11.21, to perform audits which
 4 18 are requested by and reimbursable from the federal government,
 4 19 and to perform work requested by and reimbursable from
 4 20 departments or agencies pursuant to section 11.5A or 11.5B.
 4 21 The auditor of state shall notify the department of
 4 22 management, the legislative fiscal committee, and the
 4 23 legislative services agency of the additional full-time
 4 24 equivalent positions retained.
 4 25 Sec. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
 4 26 is appropriated from the general fund of the state to the Iowa
 4 27 ethics and campaign disclosure board for the fiscal year
 4 28 beginning July 1, 2004, and ending June 30, 2005, the
 4 29 following amount, or so much thereof as is necessary, for the
 4 30 purposes designated:
 4 31 For salaries, support, maintenance, and miscellaneous
 4 32 purposes, and for not more than the following full-time
 4 33 equivalent positions:
 4 34 \$ 411,296
 4 35 FTEs 6.00
 5 1 Sec. 8. DEPARTMENT OF COMMERCE. There is appropriated
 5 2 from the general fund of the state to the department of
 5 3 commerce for the fiscal year beginning July 1, 2004, and
 5 4 ending June 30, 2005, the following amounts, or so much
 5 5 thereof as is necessary, for the purposes designated:
 5 6 1. ALCOHOLIC BEVERAGES DIVISION
 5 7 For salaries, support, maintenance, and miscellaneous
 5 8 purposes, and for not more than the following full-time
 5 9 equivalent positions:
 5 10 \$ 1,876,497
 5 11 FTEs 33.00
 5 12 2. BANKING DIVISION
 5 13 For salaries, support, maintenance, and miscellaneous
 5 14 purposes, and for not more than the following full-time
 5 15 equivalent positions:
 5 16 \$ 6,344,805

5 17 FTEs 65.00
 5 18 3. CREDIT UNION DIVISION
 5 19 For salaries, support, maintenance, and miscellaneous
 5 20 purposes, and for not more than the following full-time
 5 21 equivalent positions:
 5 22 \$ 1,377,364
 5 23 FTEs 19.00
 5 24 4. INSURANCE DIVISION
 5 25 a. For salaries, support, maintenance, and miscellaneous
 5 26 purposes, and for not more than the following full-time
 5 27 equivalent positions:
 5 28 \$ 3,850,498
 5 29 FTEs 95.00
 5 30 b. The insurance division may reallocate authorized full-
 5 31 time equivalent positions as necessary to respond to
 5 32 accreditation recommendations or requirements. The insurance
 5 33 division expenditures for examination purposes may exceed the
 5 34 projected receipts, refunds, and reimbursements, estimated
 5 35 pursuant to section 505.7, subsection 7, including the
 6 1 expenditures for retention of additional personnel, if the
 6 2 expenditures are fully reimbursable and the division first
 6 3 does both of the following:
 6 4 (1) Notifies the department of management, the legislative
 6 5 services agency, and the legislative fiscal committee of the
 6 6 need for the expenditures.
 6 7 (2) Files with each of the entities named in subparagraph
 6 8 (1) the legislative and regulatory justification for the
 6 9 expenditures, along with an estimate of the expenditures.
 6 10 c. The insurance division shall allocate \$10,000 from the
 6 11 examination receipts for the payment of its fees to the
 6 12 national council of insurance legislators.
 6 13 5. PROFESSIONAL LICENSING AND REGULATION DIVISION
 6 14 For salaries, support, maintenance, and miscellaneous
 6 15 purposes, and for not more than the following full-time
 6 16 equivalent positions:
 6 17 \$ 766,766
 6 18 FTEs 12.00
 6 19 6. UTILITIES DIVISION
 6 20 a. For salaries, support, maintenance, and miscellaneous
 6 21 purposes, and for not more than the following full-time
 6 22 equivalent positions:
 6 23 \$ 6,877,319
 6 24 FTEs 79.00
 6 25 b. The utilities division may expend additional funds,
 6 26 including funds for additional personnel, if those additional
 6 27 expenditures are actual expenses which exceed the funds
 6 28 budgeted for utility regulation and the expenditures are fully
 6 29 reimbursable. Before the division expends or encumbers an
 6 30 amount in excess of the funds budgeted for regulation, the
 6 31 division shall first do both of the following:
 6 32 (1) Notify the department of management, the legislative
 6 33 services agency, and the legislative fiscal committee of the
 6 34 need for the expenditures.
 6 35 (2) File with each of the entities named in subparagraph
 7 1 (1) the legislative and regulatory justification for the
 7 2 expenditures, along with an estimate of the expenditures.
 7 3 7. CHARGES == TRAVEL
 7 4 Each division and the office of consumer advocate shall
 7 5 include in its charges assessed or revenues generated, an
 7 6 amount sufficient to cover the amount stated in its
 7 7 appropriation, and any state-assessed indirect costs
 7 8 determined by the department of administrative services. The
 7 9 director of the department of commerce shall review on a
 7 10 quarterly basis all out-of-state travel for the previous
 7 11 quarter for officers and employees of each division of the
 7 12 department if the travel is not already authorized by the
 7 13 executive council.
 7 14 Sec. 9. ALCOHOLIC BEVERAGES DIVISION == STATE LIQUOR
 7 15 WAREHOUSE FUNCTIONS. Notwithstanding sections 7J.1 and
 7 16 123.20, subsection 4, and any other applicable provision of
 7 17 law, the alcoholic beverages division of the department of
 7 18 commerce shall not add full-time equivalent positions for
 7 19 purposes of the state assuming the state liquor warehouse
 7 20 functions performed by a private contractor as of April 1,
 7 21 2004. The division shall issue a request for proposals or
 7 22 otherwise utilize a competitive process to select a successor
 7 23 private contractor to perform the state liquor warehouse
 7 24 functions.
 7 25 Sec. 10. IOWA HEALTH INSURANCE VALUE INITIATIVE. If 2004
 7 26 Iowa Acts, House File 2521, is enacted, there is appropriated
 7 27 from the general fund of the state to the department of

7 28 commerce for the fiscal year beginning July 1, 2004, and
 7 29 ending June 30, 2005, the following amount, or so much thereof
 7 30 as is necessary, to be used for the purpose designated:
 7 31 For the insurance division to conduct a study regarding the
 7 32 costs of health insurance premiums for businesses and
 7 33 individual customers in this state, in accordance with 2004
 7 34 Iowa Acts, House File 2521:
 7 35 \$ 150,000
 8 1 Sec. 11. DEPARTMENT OF COMMERCE == PROFESSIONAL LICENSING
 8 2 AND REGULATION. There is appropriated from the housing
 8 3 improvement fund of the Iowa department of economic
 8 4 development to the division of professional licensing and
 8 5 regulation of the department of commerce for the fiscal year
 8 6 beginning July 1, 2004, and ending June 30, 2005, the
 8 7 following amount, or so much thereof as is necessary, to be
 8 8 used for the purposes designated:
 8 9 For salaries, support, maintenance, and miscellaneous
 8 10 purposes:
 8 11 \$ 62,317
 8 12 Sec. 12. GOVERNOR AND LIEUTENANT GOVERNOR. There is
 8 13 appropriated from the general fund of the state to the offices
 8 14 of the governor and the lieutenant governor for the fiscal
 8 15 year beginning July 1, 2004, and ending June 30, 2005, the
 8 16 following amounts, or so much thereof as is necessary, to be
 8 17 used for the purposes designated:
 8 18 1. GENERAL OFFICE
 8 19 For salaries, support, maintenance, and miscellaneous
 8 20 purposes for the general office of the governor and the
 8 21 general office of the lieutenant governor, and for not more
 8 22 than the following full-time equivalent positions:
 8 23 \$ 1,536,949
 8 24 FTEs 19.25
 8 25 2. TERRACE HILL QUARTERS
 8 26 For salaries, support, maintenance, and miscellaneous
 8 27 purposes for the governor's quarters at Terrace Hill, and for
 8 28 not more than the following full-time equivalent positions:
 8 29 \$ 343,149
 8 30 FTEs 8.00
 8 31 3. ADMINISTRATIVE RULES COORDINATOR
 8 32 For salaries, support, maintenance, and miscellaneous
 8 33 purposes for the office of administrative rules coordinator,
 8 34 and for not more than the following full-time equivalent
 8 35 positions:
 9 1 \$ 136,458
 9 2 FTEs 3.00
 9 3 4. NATIONAL GOVERNORS ASSOCIATION
 9 4 For payment of Iowa's membership in the national governors
 9 5 association:
 9 6 \$ 64,393
 9 7 5. STATE-FEDERAL RELATIONS
 9 8 For salaries, support, maintenance, and miscellaneous
 9 9 purposes, and for not more than the following full-time
 9 10 equivalent positions:
 9 11 \$ 111,236
 9 12 FTEs 2.00
 9 13 Sec. 13. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY.
 9 14 1. There is appropriated from the general fund of the
 9 15 state to the governor's office of drug control policy for the
 9 16 fiscal year beginning July 1, 2004, and ending June 30, 2005,
 9 17 the following amount, or so much thereof as is necessary, to
 9 18 be used for the purposes designated:
 9 19 For salaries, support, maintenance, and miscellaneous
 9 20 purposes including statewide coordination of the drug abuse
 9 21 resistance education (D.A.R.E.) programs or similar programs,
 9 22 and for not more than the following full-time equivalent
 9 23 positions:
 9 24 \$ 254,386
 9 25 FTEs 9.00
 9 26 2. The governor's office of drug control policy, in
 9 27 consultation with the Iowa department of public health, and
 9 28 after discussion and collaboration with all interested
 9 29 agencies, shall coordinate substance abuse treatment and
 9 30 prevention efforts in order to avoid duplication of services.
 9 31 Sec. 14. DEPARTMENT OF HUMAN RIGHTS. There is
 9 32 appropriated from the general fund of the state to the
 9 33 department of human rights for the fiscal year beginning July
 9 34 1, 2004, and ending June 30, 2005, the following amounts, or
 9 35 so much thereof as is necessary, to be used for the purposes
 10 1 designated:
 10 2 1. CENTRAL ADMINISTRATION DIVISION
 10 3 For salaries, support, maintenance, and miscellaneous

10 4 purposes, and for not more than the following full-time
 10 5 equivalent positions:
 10 6 \$ 264,102
 10 7 FTEs 7.00
 10 8 2. DEAF SERVICES DIVISION
 10 9 For salaries, support, maintenance, and miscellaneous
 10 10 purposes, and for not more than the following full-time
 10 11 equivalent positions:
 10 12 \$ 362,710
 10 13 FTEs 6.00
 10 14 The fees collected by the division for provision of
 10 15 interpretation services by the division to obligated agencies
 10 16 shall be disbursed pursuant to the provisions of section 8.32,
 10 17 and shall be dedicated and used by the division for continued
 10 18 and expanded interpretation services.
 10 19 3. PERSONS WITH DISABILITIES DIVISION
 10 20 For salaries, support, maintenance, and miscellaneous
 10 21 purposes, and for not more than the following full-time
 10 22 equivalent positions:
 10 23 \$ 184,971
 10 24 FTEs 3.50
 10 25 4. LATINO AFFAIRS DIVISION
 10 26 For salaries, support, maintenance, and miscellaneous
 10 27 purposes, and for not more than the following full-time
 10 28 equivalent positions:
 10 29 \$ 166,718
 10 30 FTEs 3.00
 10 31 5. STATUS OF WOMEN DIVISION
 10 32 For salaries, support, maintenance, and miscellaneous
 10 33 purposes, including the Iowans in transition program, and the
 10 34 domestic violence and sexual assault-related grants, and for
 10 35 not more than the following full-time equivalent positions:
 11 1 \$ 329,530
 11 2 FTEs 3.00
 11 3 6. STATUS OF AFRICAN-AMERICANS DIVISION
 11 4 For salaries, support, maintenance, and miscellaneous
 11 5 purposes, and for not more than the following full-time
 11 6 equivalent positions:
 11 7 \$ 118,296
 11 8 FTEs 2.00
 11 9 7. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
 11 10 For salaries, support, maintenance, and miscellaneous
 11 11 purposes, and for not more than the following full-time
 11 12 equivalent positions:
 11 13 \$ 403,774
 11 14 FTEs 6.96
 11 15 The criminal and juvenile justice planning advisory council
 11 16 and the juvenile justice advisory council shall coordinate
 11 17 their efforts in carrying out their respective duties relative
 11 18 to juvenile justice.
 11 19 8. SHARED STAFF. The divisions of the department of human
 11 20 rights shall retain their individual administrators, but shall
 11 21 share staff to the greatest extent possible.
 11 22 Sec. 15. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 11 23 appropriated from the general fund of the state to the
 11 24 department of inspections and appeals for the fiscal year
 11 25 beginning July 1, 2004, and ending June 30, 2005, the
 11 26 following amounts, or so much thereof as is necessary, for the
 11 27 purposes designated:
 11 28 1. ADMINISTRATION DIVISION
 11 29 For salaries, support, maintenance, and miscellaneous
 11 30 purposes, and for not more than the following full-time
 11 31 equivalent positions:
 11 32 \$ 1,489,090
 11 33 FTEs 32.25
 11 34 2. ADMINISTRATIVE HEARINGS DIVISION
 11 35 For salaries, support, maintenance, and miscellaneous
 12 1 purposes, and for not more than the following full-time
 12 2 equivalent positions:
 12 3 \$ 614,114
 12 4 FTEs 23.00
 12 5 3. INVESTIGATIONS DIVISION
 12 6 For salaries, support, maintenance, and miscellaneous
 12 7 purposes, and for not more than the following full-time
 12 8 equivalent positions:
 12 9 \$ 1,407,295
 12 10 FTEs 41.00
 12 11 4. HEALTH FACILITIES DIVISION
 12 12 For salaries, support, maintenance, and miscellaneous
 12 13 purposes, and for not more than the following full-time
 12 14 equivalent positions:

12 15 \$ 2,276,836
12 16 FTEs 108.75
12 17 5. EMPLOYMENT APPEAL BOARD
12 18 For salaries, support, maintenance, and miscellaneous
12 19 purposes, and for not more than the following full-time
12 20 equivalent positions:
12 21 \$ 35,215
12 22 FTEs 15.00
12 23 The employment appeal board shall be reimbursed by the
12 24 labor services division of the department of workforce
12 25 development for all costs associated with hearings conducted
12 26 under chapter 91C, related to contractor registration. The
12 27 board may expend, in addition to the amount appropriated under
12 28 this subsection, additional amounts as are directly billable
12 29 to the labor services division under this subsection and to
12 30 retain the additional full-time equivalent positions as needed
12 31 to conduct hearings required pursuant to chapter 91C.
12 32 6. CHILD ADVOCACY BOARD
12 33 For foster care review and the court appointed special
12 34 advocate program, including salaries, support, maintenance,
12 35 and miscellaneous purposes, and for not more than the
13 1 following full-time equivalent positions:
13 2 \$ 1,952,780
13 3 FTEs 38.99
13 4 a. The department of human services, in coordination with
13 5 the child advocacy board, and the department of inspections
13 6 and appeals, shall submit an application for funding available
13 7 pursuant to Title IV-E of the federal Social Security Act for
13 8 claims for child advocacy board, administrative review costs.
13 9 b. The court appointed special advocate program shall
13 10 investigate and develop opportunities for expanding fund=
13 11 raising for the program.
13 12 c. Administrative costs charged by the department of
13 13 inspections and appeals for items funded under this subsection
13 14 shall not exceed 4 percent of the amount appropriated in this
13 15 subsection.
13 16 Sec. 16. RACING AND GAMING COMMISSION.
13 17 1. RACETRACK REGULATION
13 18 There is appropriated from the general fund of the state to
13 19 the racing and gaming commission of the department of
13 20 inspections and appeals for the fiscal year beginning July 1,
13 21 2004, and ending June 30, 2005, the following amount, or so
13 22 much thereof as is necessary, to be used for the purposes
13 23 designated:
13 24 For salaries, support, maintenance, and miscellaneous
13 25 purposes for the regulation of pari-mutuel racetracks, and for
13 26 not more than the following full-time equivalent positions:
13 27 \$ 2,201,453
13 28 FTEs 27.53
13 29 Of the funds appropriated in this subsection, \$85,576 shall
13 30 be used to conduct an extended harness racing season.
13 31 2. EXCURSION BOAT REGULATION
13 32 There is appropriated from the general fund of the state to
13 33 the racing and gaming commission of the department of
13 34 inspections and appeals for the fiscal year beginning July 1,
13 35 2004, and ending June 30, 2005, the following amount, or so
14 1 much thereof as is necessary, to be used for the purposes
14 2 designated:
14 3 For salaries, support, maintenance, and miscellaneous
14 4 purposes for administration and enforcement of the excursion
14 5 boat gambling laws, and for not more than the following full=
14 6 time equivalent positions:
14 7 \$ 1,806,048
14 8 FTEs 30.22
14 9 Sec. 17. USE TAX APPROPRIATION. There is appropriated
14 10 from the use tax receipts collected pursuant to sections
14 11 423.26 and 423.27 as enacted by 2003 Iowa Acts, First
14 12 Extraordinary Session, chapter 2, sections 119 and 120 prior
14 13 to their deposit in the road use tax fund pursuant to section
14 14 423.43 as enacted by 2003 Iowa Acts, First Extraordinary
14 15 Session, chapter 2, section 136, to the administrative
14 16 hearings division of the department of inspections and appeals
14 17 for the fiscal year beginning July 1, 2004, and ending June
14 18 30, 2005, the following amount, or so much thereof as is
14 19 necessary, for the purposes designated:
14 20 For salaries, support, maintenance, and miscellaneous
14 21 purposes:
14 22 \$ 1,325,632
14 23 Sec. 18. DEPARTMENT OF MANAGEMENT. There is appropriated
14 24 from the general fund of the state to the department of
14 25 management for the fiscal year beginning July 1, 2004, and

14 26 ending June 30, 2005, the following amounts, or so much
14 27 thereof as is necessary, to be used for the purposes
14 28 designated:

14 29 1. GENERAL OFFICE == STATEWIDE PROPERTY TAX ADMINISTRATION
14 30 For salaries, support, maintenance, and miscellaneous
14 31 purposes, and for not more than the following full-time
14 32 equivalent positions:
14 33 \$ 2,137,824
14 34 FTEs 32.00

14 35 2. ENTERPRISE RESOURCE PLANNING
15 1 If funding is provided for the redesign of the enterprise
15 2 resource planning budget system for the fiscal year beginning
15 3 July 1, 2004, then there is appropriated from the general fund
15 4 of the state to the department of management for the fiscal
15 5 year beginning July 1, 2004, and ending June 30, 2005, the
15 6 following amount, or so much thereof as is necessary, to be
15 7 used for the purposes designated:
15 8 For salaries, support, maintenance, and miscellaneous
15 9 purposes for administration of the enterprise resource
15 10 planning system, and for not more than the following full-time
15 11 equivalent positions:
15 12 \$ 57,435
15 13 FTEs 1.00

15 14 3. SALARY MODEL ADMINISTRATOR
15 15 For salary, support, and miscellaneous purposes of the
15 16 salary model administrator, and for not more than the
15 17 following full-time equivalent positions:
15 18 \$ 123,598
15 19 FTEs 1.00

15 20 The salary model administrator shall work in conjunction
15 21 with the legislative services agency to maintain the state's
15 22 salary model used for analyzing, comparing, and projecting
15 23 state employee salary and benefit information, including
15 24 information relating to employees of the state board of
15 25 regents. The department of revenue, the department of
15 26 administrative services, the five institutions under the
15 27 jurisdiction of the state board of regents, the judicial
15 28 district departments of correctional services, and the state
15 29 department of transportation shall provide salary data to the
15 30 department of management and the legislative services agency
15 31 to operate the state's salary model. The format and frequency
15 32 of provision of the salary data shall be determined by the
15 33 department of management and the legislative services agency.
15 34 The information shall be used in collective bargaining
15 35 processes under chapter 20 and in calculating the funding
16 1 needs contained within the annual salary adjustment
16 2 legislation. A state employee organization as defined in
16 3 section 20.3, subsection 4, may request information produced
16 4 by the model, but the information provided shall not contain
16 5 information attributable to individual employees.

16 6 4. FEDERAL OVERRECOVERY
16 7 For providing matching funds for information technology
16 8 services provided by the department of administrative services
16 9 to the department of human services:
16 10 \$ 3,000,000

16 11 Sec. 19. ROAD USE TAX APPROPRIATION. There is
16 12 appropriated from the road use tax fund to the department of
16 13 management for the fiscal year beginning July 1, 2004, and
16 14 ending June 30, 2005, the following amount, or so much thereof
16 15 as is necessary, to be used for the purposes designated:
16 16 For salaries, support, maintenance, and miscellaneous
16 17 purposes:
16 18 \$ 56,000

16 19 Sec. 20. SECRETARY OF STATE. There is appropriated from
16 20 the general fund of the state to the office of the secretary
16 21 of state for the fiscal year beginning July 1, 2004, and
16 22 ending June 30, 2005, the following amounts, or so much
16 23 thereof as is necessary, to be used for the purposes
16 24 designated:

16 25 1. ADMINISTRATION AND ELECTIONS
16 26 For salaries, support, maintenance, and miscellaneous
16 27 purposes, and for not more than the following full-time
16 28 equivalent positions:
16 29 \$ 660,233
16 30 FTEs 10.00

16 31 The state department or state agency which provides data
16 32 processing services to support voter registration file
16 33 maintenance and storage shall provide those services without
16 34 charge.

16 35 2. BUSINESS SERVICES
17 1 For salaries, support, maintenance, and miscellaneous

17 2 purposes, and for not more than the following full-time
 17 3 equivalent positions:
 17 4 \$ 1,615,893
 17 5 FTEs 32.00
 17 6 Sec. 21. SECRETARY OF STATE FILING FEES REFUND.
 17 7 Notwithstanding the obligation to collect fees pursuant to the
 17 8 provisions of section 490.122, subsection 1, paragraphs "a"
 17 9 and "s", and section 504A.85, subsections 1 and 9, for the
 17 10 fiscal year beginning July 1, 2004, and ending June 30, 2005,
 17 11 the secretary of state may refund these fees to the filer
 17 12 pursuant to rules established by the secretary of state. The
 17 13 decision of the secretary of state not to issue a refund under
 17 14 rules established by the secretary of state is final and not
 17 15 subject to review pursuant to the provisions of the Iowa
 17 16 administrative procedure Act.
 17 17 Sec. 22. TREASURER. There is appropriated from the
 17 18 general fund of the state to the office of treasurer of state
 17 19 for the fiscal year beginning July 1, 2004, and ending June
 17 20 30, 2005, the following amount, or so much thereof as is
 17 21 necessary, to be used for the purposes designated:
 17 22 For salaries, support, maintenance, and miscellaneous
 17 23 purposes, and for not more than the following full-time
 17 24 equivalent positions:
 17 25 \$ 800,564
 17 26 FTEs 28.80
 17 27 The office of treasurer of state shall supply clerical and
 17 28 secretarial support for the executive council.
 17 29 Sec. 23. IPERS == GENERAL OFFICE. There is appropriated
 17 30 from the Iowa public employees' retirement system fund to the
 17 31 Iowa public employees' retirement system for the fiscal year
 17 32 beginning July 1, 2004, and ending June 30, 2005, the
 17 33 following amount, or so much thereof as is necessary, to be
 17 34 used for the purposes designated:
 17 35 For salaries, support, maintenance, and other operational
 18 1 purposes to pay the costs of the Iowa public employees'
 18 2 retirement system, and for not more than the following full-
 18 3 time equivalent positions:
 18 4 \$ 8,879,900
 18 5 FTEs 90.13
 18 6 Sec. 24. DEPARTMENT OF REVENUE. There is appropriated
 18 7 from the general fund of the state to the department of
 18 8 revenue for the fiscal year beginning July 1, 2004, and ending
 18 9 June 30, 2005, the following amounts, or so much thereof as is
 18 10 necessary, to be used for the purposes designated:
 18 11 1. COMPLIANCE == INTERNAL RESOURCES MANAGEMENT ==
 18 12 STATEWIDE PROPERTY TAX ADMINISTRATION
 18 13 For salaries, support, maintenance, and miscellaneous
 18 14 purposes, and for not more than the following full-time
 18 15 equivalent positions:
 18 16 \$ 24,776,391
 18 17 FTEs 389.66
 18 18 Of the funds appropriated pursuant to this subsection,
 18 19 \$400,000 shall be used to pay the direct costs of compliance
 18 20 related to the collection and distribution of local sales and
 18 21 services taxes imposed pursuant to chapters 422B and 422E or
 18 22 successor chapters.
 18 23 The director of revenue shall prepare and issue a state
 18 24 appraisal manual and the revisions to the state appraisal
 18 25 manual as provided in section 421.17, subsection 17, without
 18 26 cost to a city or county.
 18 27 2. COLLECTION COSTS AND FEES
 18 28 For payment of collection costs and fees pursuant to
 18 29 section 422.26:
 18 30 \$ 27,462
 18 31 3. STATE TAX IMPLEMENTATION COMMITTEE
 18 32 To administer the state tax implementation committee and to
 18 33 purchase data deemed necessary by the committee:
 18 34 \$ 50,000
 18 35 Sec. 25. MOTOR VEHICLE FUEL TAX APPROPRIATION. There is
 19 1 appropriated from the motor fuel tax fund created by section
 19 2 452A.77 to the department of revenue for the fiscal year
 19 3 beginning July 1, 2004, and ending June 30, 2005, the
 19 4 following amount, or so much thereof as is necessary, to be
 19 5 used for the purposes designated:
 19 6 For salaries, support, maintenance, and miscellaneous
 19 7 purposes for administration and enforcement of the provisions
 19 8 of chapter 452A and the motor vehicle use tax program:
 19 9 \$ 1,181,082
 19 10 Sec. 26. Section 7J.1, Code Supplement 2003, is amended by
 19 11 adding the following new subsection:
 19 12 NEW SUBSECTION. 7A. EXECUTIVE COUNCIL FLEXIBILITY.

19 13 Notwithstanding any provision of law to the contrary, a
19 14 charter agency shall not be required to obtain executive
19 15 council approval for claims for expenses of attending
19 16 conventions, out-of-state travel requests, and memberships in
19 17 professional organizations.
19 18 Sec. 27. Section 8.63, subsection 5, Code Supplement 2003,
19 19 is amended to read as follows:
19 20 5. A state agency seeking a loan from the innovations fund
19 21 shall complete an application form designed by the state
19 22 innovations fund committee which employs, for projects, a
19 23 return on investment concept and demonstrates how state
19 24 general fund expenditures will be reduced or how state general
19 25 fund revenues will increase, or for enterprises, a business
19 26 plan that shows how the enterprise will meet customer needs,
19 27 provide value to customers, and demonstrate financial
19 28 viability. Minimum loan requirements for state agency
19 29 requests shall be determined by the committee. As an
19 30 incentive to increase state general fund revenues, an agency
19 31 may retain up to fifty percent of savings realized in
19 32 connection with a project loan from the innovations fund. The
19 33 amount retained shall be determined by the innovations fund
19 34 committee. Savings realized but not retained by an agency
19 35 shall not be deposited in the innovations fund.
20 1 Sec. 28. Section 8.63, subsection 6, paragraph b, Code
20 2 Supplement 2003, is amended to read as follows:
20 3 b. If the department of management and the department of
20 4 revenue certify that the savings from a proposed innovations
20 5 fund project will result in a net increase in the balance of
20 6 the general fund of the state without a corresponding cost
20 7 savings to the requesting agency, and if the requesting agency
20 8 meets all other eligibility requirements, the innovations fund
20 9 committee may approve the loan for the project and not require
20 10 repayment by the requesting agency. There is appropriated
20 11 from the general fund of the state to the department of
20 12 management for deposit in the innovations fund an amount
20 13 sufficient to repay the loan amount, which amount shall not
20 14 exceed the principal amount of the loan plus interest on the
20 15 loan.
20 16 Sec. 29. Section 543B.14, Code 2003, is amended to read as
20 17 follows:
20 18 543B.14 FEES AND EXPENSES == FUNDS.
20 19 All fees and charges collected by the real estate
20 20 commission under this chapter shall be paid into the general
20 21 fund of the state, except that ~~the equivalent of the greater~~
20 22 ~~of ten dollars or forty percent per year of the fees for fifty~~
20 23 ~~dollars from each real estate salesperson's license, plus the~~
20 24 ~~equivalent of the greater of ten dollars or twenty-five~~
20 25 ~~percent per year of the fees for and~~ each broker's license
20 26 shall be paid into the Iowa real estate education fund created
20 27 in section 543B.54. All expenses incurred by the commission
20 28 under this chapter, including compensation of staff assigned
20 29 to the commission, shall be paid from funds appropriated for
20 30 those purposes, except for expenses incurred and compensation
20 31 paid for the real estate education director, which shall be
20 32 paid out of the real estate education fund.
20 33 Sec. 30. Section 543B.54, Code 2003, is amended to read as
20 34 follows:
20 35 543B.54 REAL ESTATE EDUCATION FUND.
21 1 The Iowa real estate education fund is created as a
21 2 financial assurance mechanism to assist in the establishment
21 3 and maintenance of a real estate education program at the
21 4 university of northern Iowa and to assist the real estate
21 5 commission in providing an education director. The fund is
21 6 created as a separate fund in the state treasury, and any
21 7 funds remaining in the fund at the end of each fiscal year
21 8 shall not revert to the general fund, but shall remain in the
21 9 Iowa real estate education fund. ~~Seventy percent of the~~
21 10 ~~moneys in the fund~~ Twenty-five dollars per license from fees
21 11 deposited for each real estate salesperson's license and each
21 12 broker's license shall be distributed and are appropriated to
21 13 the board of regents for the purpose of establishing and
21 14 maintaining a real estate education program at the university
21 15 of northern Iowa. ~~Thirty percent of the~~ The remaining moneys
21 16 in the fund shall be distributed and are appropriated to the
21 17 professional licensing and regulation division of the
21 18 department of commerce for the purpose of hiring and
21 19 compensating a real estate education director and regulatory
21 20 compliance personnel.
21 21 Sec. 31. SPAN OF CONTROL. The department of
21 22 administrative services, in consultation with the department
21 23 of management and after discussion and collaboration with

21 24 executive branch agencies, shall pursue a goal of increasing
21 25 the ratio of the number of employees per supervisor for
21 26 executive branch agencies in the aggregate to twelve employees
21 27 for one supervisor by December 31, 2005.
21 28 Sec. 32. EFFECTIVE DATE. The section of this division of
21 29 this Act relating to the state liquor warehouse functions,
21 30 being deemed of immediate importance, takes effect upon
21 31 enactment.

21 32 DIVISION II

21 33 AGRICULTURE AND NATURAL RESOURCES

21 34 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

21 35 GENERAL APPROPRIATIONS

22 1 Sec. 33. GENERAL DEPARTMENT APPROPRIATION. There is
22 2 appropriated from the general fund of the state to the
22 3 department of agriculture and land stewardship for the fiscal
22 4 year beginning July 1, 2004, and ending June 30, 2005, the
22 5 following amount, or so much thereof as is necessary, to be
22 6 used for the purposes designated:

22 7 1. For purposes of supporting the department, including
22 8 its divisions, for administration, regulation, and programs,
22 9 for salaries, support, maintenance, miscellaneous purposes,
22 10 and for not more than the following full-time equivalent
22 11 positions:

22 12 \$ 16,946,668
22 13 FTEs 410.64

22 14 2. Of the amount appropriated in subsection 1, the
22 15 department shall not expend less than \$50,000 for salaries,
22 16 support, maintenance, and miscellaneous purposes of
22 17 administering the senior farmers market nutrition program
22 18 under the jurisdiction of the United States department of
22 19 agriculture.

22 20 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

22 21 DESIGNATED APPROPRIATIONS

22 22 Sec. 34. RIVER AUTHORITY. There is appropriated from the
22 23 general fund of the state to the department of agriculture and
22 24 land stewardship for the fiscal year beginning July 1, 2004,
22 25 and ending June 30, 2005, the following amount, or so much
22 26 thereof as is necessary, to be used for the purposes
22 27 designated:

22 28 For purposes of supporting the department's membership in
22 29 the state interagency Missouri river authority, created in
22 30 section 28L.1, in the Missouri river basin association:

22 31 \$ 9,535

22 32 Sec. 35. HORSE AND DOG RACING. There is appropriated from
22 33 the moneys available under section 99D.13 to the department of
22 34 agriculture and land stewardship for the fiscal year beginning
22 35 July 1, 2004, and ending June 30, 2005, the following amount,
23 1 or so much thereof as is necessary, to be used for the
23 2 purposes designated:

23 3 For salaries, support, maintenance, and miscellaneous
23 4 purposes for the administration of section 99D.22:

23 5 \$ 305,516

23 6 Sec. 36. DAIRY PRODUCTS CONTROL BUREAU. There is
23 7 appropriated from the general fund of the state to the
23 8 department of agriculture and land stewardship for the fiscal
23 9 year beginning July 1, 2004, and ending June 30, 2005, the
23 10 following amount, or so much thereof as is necessary, to be
23 11 used for the purposes designated:

23 12 For purposes of supporting the operations of the dairy
23 13 products control bureau, including salaries, support,
23 14 maintenance, and miscellaneous purposes:

23 15 \$ 632,170

23 16 Sec. 37. AVIAN INFLUENZA. There is appropriated from the
23 17 general fund of the state to the department of agriculture and
23 18 land stewardship for the fiscal year beginning July 1, 2004,
23 19 and ending June 30, 2005, the following amount, or so much
23 20 thereof as is necessary, to be used for the purpose
23 21 designated:

23 22 For the support of testing and monitoring avian influenza:

23 23 \$ 50,000

23 24 Notwithstanding section 8.33, moneys appropriated pursuant
23 25 to this section which are unencumbered or unobligated on June
23 26 30, 2005, shall not revert as provided in section 8.33. After
23 27 June 30, 2005, the department shall retain any such
23 28 unobligated or unencumbered moneys for the continued testing
23 29 and monitoring of avian influenza.

23 30 Sec. 38. SALE AND PURCHASE OF LABORATORY EQUIPMENT ==
23 31 APPROPRIATIONS. Notwithstanding chapter 8A, the department of
23 32 administrative services shall conduct a sale of equipment or
23 33 devices owned by the department of agriculture and land
23 34 stewardship and used by laboratories operated by the

23 35 department of agriculture and land stewardship. The
24 1 department of administrative services shall conduct the sale
24 2 upon authorization of the department of agriculture and land
24 3 stewardship. The sale shall only include equipment and
24 4 devices that the department does not move to its new
24 5 laboratory building. The moneys from the sale are
24 6 appropriated to the department of agriculture and land
24 7 stewardship for the fiscal period beginning July 1, 2004, and
24 8 ending June 30, 2006. The moneys shall only be used to
24 9 replace, update, enhance, or supplement equipment or devices
24 10 used by laboratories operated by the department of agriculture
24 11 and land stewardship. However, the department shall not enter
24 12 into a lease-purchase agreement to obtain the equipment or
24 13 devices. Unencumbered and unobligated moneys remaining on
24 14 June 30, 2006, shall be deposited in the general fund of the
24 15 state in the same manner as a reversion under section 8.33.

24 16 DEPARTMENT OF NATURAL RESOURCES

24 17 GENERAL APPROPRIATIONS

24 18 Sec. 39. GENERAL DEPARTMENT APPROPRIATION. There is
24 19 appropriated from the general fund of the state to the
24 20 department of natural resources for the fiscal year beginning
24 21 July 1, 2004, and ending June 30, 2005, the following amount,
24 22 or so much thereof as is necessary, to be used for the
24 23 purposes designated:

24 24 For purposes of supporting the department, including its
24 25 divisions, for administration, regulation, and programs, for
24 26 salaries, support, maintenance, miscellaneous purposes, and
24 27 for not more than the following full-time equivalent
24 28 positions:

24 29 \$ 16,569,282
24 30 FTEs 1080.12

24 31 Sec. 40. STATE FISH AND GAME PROTECTION FUND ==

24 32 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

24 33 1. a. There is appropriated from the state fish and game
24 34 protection fund to the department of natural resources for the
24 35 fiscal year beginning July 1, 2004, and ending June 30, 2005,
25 1 the following amount, or so much thereof as is necessary, to
25 2 be used for the purposes designated:

25 3 For administrative support, and for salaries, support,
25 4 maintenance, equipment, and miscellaneous purposes:

25 5 \$ 30,715,335

25 6 b. Notwithstanding section 455A.10, the department may use
25 7 the unappropriated balance remaining in the fish and game
25 8 protection fund to provide for the funding of health and life
25 9 insurance premium payments from unused sick leave balances of
25 10 conservation peace officers employed in a protection
25 11 occupation who retire, pursuant to section 97B.49B.

25 12 2. The department shall not expend more moneys from the
25 13 fish and game protection fund than provided in this section,
25 14 unless the expenditure derives from contributions made by a
25 15 private entity, or a grant or moneys received from the federal
25 16 government, and is approved by the natural resource
25 17 commission. The department of natural resources shall
25 18 promptly notify the legislative services agency and the
25 19 chairpersons and ranking members of the joint appropriations
25 20 subcommittee on agriculture and natural resources concerning
25 21 the commission's approval.

25 22 DEPARTMENT OF NATURAL RESOURCES

25 23 RELATED TRANSFERS

25 24 Sec. 41. SNOWMOBILE FEES == TRANSFER FOR ENFORCEMENT
25 25 PURPOSES. There is transferred on July 1, 2004, from the fees
25 26 required to be deposited in the special conservation fund
25 27 under section 321G.7 to the fish and game protection fund and
25 28 appropriated to the department of natural resources for the
25 29 fiscal year beginning July 1, 2004, and ending June 30, 2005,
25 30 the following amount, or so much thereof as is necessary, to
25 31 be used for the purpose designated:

25 32 For enforcing snowmobile laws as part of the state
25 33 snowmobile program administered by the department of natural
25 34 resources:

25 35 \$ 100,000

26 1 Sec. 42. VESSEL FEES == TRANSFER FOR ENFORCEMENT PURPOSES.
26 2 There is transferred on July 1, 2004, from the fees required
26 3 to be deposited in the special conservation fund under section
26 4 462A.52 to the fish and game protection fund and appropriated
26 5 to the natural resource commission for the fiscal year
26 6 beginning July 1, 2004, and ending June 30, 2005, the
26 7 following amount, or so much thereof as is necessary, to be
26 8 used for the purpose designated:

26 9 For the administration and enforcement of navigation laws
26 10 and water safety:

26 11 \$ 1,400,000
 26 12 Notwithstanding section 8.33, moneys transferred and
 26 13 appropriated in this section that remain unencumbered or
 26 14 unobligated at the close of the fiscal year shall not revert
 26 15 to the credit of the fish and game protection fund but shall
 26 16 be credited to the special conservation fund established by
 26 17 section 462A.52 to be used as provided in that section.
 26 18 DEPARTMENT OF NATURAL RESOURCES
 26 19 DESIGNATED APPROPRIATIONS
 26 20 Sec. 43. REVENUE ADMINISTERED BY THE IOWA COMPREHENSIVE
 26 21 UNDERGROUND STORAGE TANK FUND BOARD. There is appropriated
 26 22 from the unassigned revenue fund administered by the Iowa
 26 23 comprehensive underground storage tank fund board, to the
 26 24 department of natural resources for the fiscal year beginning
 26 25 July 1, 2004, and ending June 30, 2005, the following amount,
 26 26 or so much thereof as is necessary, to be used for the purpose
 26 27 designated:
 26 28 For administration expenses of the underground storage tank
 26 29 section of the department of natural resources:
 26 30 \$ 200,000
 26 31 Sec. 44. FLOODPLAIN PERMIT BACKLOG. Notwithstanding any
 26 32 contrary provision of state law, for the fiscal year beginning
 26 33 July 1, 2004, and ending June 30, 2005, the department of
 26 34 natural resources may use additional funds available to the
 26 35 department from stormwater discharge permit fees for the
 27 1 staffing of the following additional full-time staff members
 27 2 to reduce the department's floodplain permit backlog:
 27 3 FTEs 2.00
 27 4 Sec. 45. IMPLEMENTATION OF THE FEDERAL TOTAL MAXIMUM DAILY
 27 5 LOAD PROGRAM. Notwithstanding any contrary provision of state
 27 6 law, for the fiscal year beginning July 1, 2004, and ending
 27 7 June 30, 2005, the department of natural resources may use
 27 8 additional funds available to the department from stormwater
 27 9 discharge permit fees for the staffing of the following
 27 10 additional full-time equivalent positions for implementation
 27 11 of the federal total maximum daily load program:
 27 12 FTEs 2.00
 27 13 MISCELLANEOUS PROVISIONS
 27 14 Sec. 46. Section 424.19, Code Supplement 2003, is amended
 27 15 to read as follows:
 27 16 424.19 FUTURE REPEAL.
 27 17 This chapter is repealed effective June 30, ~~2014~~ 2016.
 27 18 Sec. 47. CONTINGENT EFFECTIVENESS. The moneys
 27 19 appropriated from the general fund of the state to the
 27 20 department of agriculture and land stewardship for purposes of
 27 21 supporting the testing and monitoring of avian influenza as
 27 22 provided in this division of this Act shall not be effective
 27 23 if 2004 Iowa Acts, Senate File 2194, is enacted.
 27 24 Sec. 48. CONTINGENT EFFECTIVENESS. The amendment to
 27 25 section 424.19, as provided in this division of this Act, is
 27 26 effective only if 2004 Iowa Acts, House File 2401, is enacted.
 27 27 DIVISION III
 27 28 ECONOMIC DEVELOPMENT
 27 29 Sec. 49. GOALS AND ACCOUNTABILITY.
 27 30 1. The goals for the department of economic development
 27 31 shall be to expand and stimulate the state economy, increase
 27 32 the wealth of Iowans, and increase the population of the
 27 33 state.
 27 34 2. To achieve the goals in subsection 1, the department of
 27 35 economic development shall do all of the following:
 28 1 a. Concentrate its efforts on programs and activities that
 28 2 result in commercially viable products and services.
 28 3 b. Adopt practices and services consistent with free
 28 4 market, private sector philosophies.
 28 5 c. Ensure economic growth and development throughout the
 28 6 state.
 28 7 3. The department of economic development shall
 28 8 demonstrate accountability by using performance measures
 28 9 appropriate to show the attainment of the goals in subsection
 28 10 1 for the state and by measuring the effectiveness and results
 28 11 of the department's programs and activities. The performance
 28 12 measures and associated benchmarks shall be developed or
 28 13 identified in cooperation with the legislative services agency
 28 14 and approved by the joint appropriations subcommittee on
 28 15 economic development. The data demonstrating accountability
 28 16 collected by the department shall be made readily available
 28 17 and maintained in computer-readable format.
 28 18 Sec. 50. DEPARTMENT OF ECONOMIC DEVELOPMENT. There is
 28 19 appropriated from the general fund of the state to the
 28 20 department of economic development for the fiscal year
 28 21 beginning July 1, 2004, and ending June 30, 2005, the

28 22 following amounts, or so much thereof as is necessary, to be
 28 23 used for the purposes designated:
 28 24 1. ADMINISTRATION DIVISION
 28 25 a. General administration
 28 26 For salaries, support, maintenance, miscellaneous purposes,
 28 27 programs, for the transfer to the Iowa state commission grant
 28 28 program, and for not more than the following full-time
 28 29 equivalent positions:
 28 30 \$ 1,562,332
 28 31 FTEs 28.75
 28 32 b. The department shall work with businesses and
 28 33 communities to continually improve the economic development
 28 34 climate along with the economic well-being and quality of life
 28 35 for Iowans. The administration division shall coordinate with
 29 1 other state agencies ensuring that all state departments are
 29 2 attentive to the needs of an entrepreneurial culture.
 29 3 2. BUSINESS DEVELOPMENT DIVISION
 29 4 a. Business development operations
 29 5 For business development operations and programs,
 29 6 international trade, export assistance, workforce recruitment,
 29 7 the partner state program, for transfer to the strategic
 29 8 investment fund, for transfer to the value-added agricultural
 29 9 products and processes financial assistance fund, salaries,
 29 10 support, maintenance, miscellaneous purposes, and for not more
 29 11 than the following full-time equivalent positions:
 29 12 \$ 6,084,500
 29 13 FTEs 57.00
 29 14 b. The department shall establish a strong and aggressive
 29 15 marketing image to showcase Iowa's workforce, existing
 29 16 industry, and potential. A priority shall be placed on
 29 17 recruiting new businesses, business expansion, and retaining
 29 18 existing Iowa businesses. Emphasis shall also be placed on
 29 19 entrepreneurial development through helping to secure capital
 29 20 for entrepreneurs, and developing networks and a business
 29 21 climate conducive to entrepreneurs and small business.
 29 22 c. Notwithstanding section 8.33, moneys appropriated in
 29 23 this subsection that remain unencumbered or unobligated at the
 29 24 close of the fiscal year shall not revert but shall remain
 29 25 available for expenditure for the purposes designated until
 29 26 the close of the succeeding fiscal year.
 29 27 3. COMMUNITY DEVELOPMENT DIVISION
 29 28 a. Community development programs
 29 29 For salaries, support, maintenance, miscellaneous purposes,
 29 30 community economic development programs, tourism operations,
 29 31 community assistance, the film office, the mainstreet and
 29 32 rural mainstreet programs, the school-to-career program, the
 29 33 community development block grant, and housing and shelter=
 29 34 related programs and for not more than the following full-time
 29 35 equivalent positions:
 30 1 \$ 5,505,725
 30 2 FTEs 61.75
 30 3 b. The department shall encourage development of
 30 4 communities and quality of life to foster economic growth.
 30 5 The department shall prepare communities for future growth and
 30 6 development through development, expansion, and modernization
 30 7 of infrastructure.
 30 8 c. The department shall develop public-private
 30 9 partnerships with Iowa businesses in the tourism industry,
 30 10 Iowa tour groups, Iowa tourism organizations, and political
 30 11 subdivisions in this state to assist in the development of
 30 12 advertising efforts. The department shall, to the fullest
 30 13 extent possible, develop cooperative efforts for advertising
 30 14 with contributions from other sources.
 30 15 d. Notwithstanding section 8.33, moneys appropriated in
 30 16 this subsection that remain unencumbered or unobligated at the
 30 17 close of the fiscal year shall not revert to any fund but
 30 18 shall remain available for expenditure for the designated
 30 19 purposes during the succeeding fiscal year.
 30 20 4. For allocating moneys for the world food prize:
 30 21 \$ 285,000
 30 22 Sec. 51. VISION IOWA PROGRAM == FTE AUTHORIZATION. For
 30 23 purposes of administrative duties associated with the vision
 30 24 Iowa program, the department of economic development is
 30 25 authorized an additional 2.25 full-time equivalent positions
 30 26 above those otherwise authorized in this division of this Act.
 30 27 Sec. 52. RURAL COMMUNITY 2000 PROGRAM. There is
 30 28 appropriated from loan repayments on loans under the former
 30 29 rural community 2000 program, sections 15.281 through 15.288,
 30 30 Code 2001, to the department of economic development for the
 30 31 fiscal year beginning July 1, 2004, and ending June 30, 2005,
 30 32 the following amounts, or so much thereof as is necessary, to

30 33 be used for the purposes designated:

30 34 1. For providing financial assistance to Iowa's councils
30 35 of governments that provide technical and planning assistance
31 1 to local governments:

31 2 \$ 150,000

31 3 2. For the rural development program for the purposes of
31 4 the program including the rural enterprise fund and
31 5 collaborative skills development training:

31 6 \$ 120,000

31 7 Sec. 53. INSURANCE ECONOMIC DEVELOPMENT. There is
31 8 appropriated from moneys collected by the division of
31 9 insurance in excess of the anticipated gross revenues under
31 10 section 505.7, subsection 3, to the department of economic
31 11 development for the fiscal year beginning July 1, 2004, and
31 12 ending June 30, 2005, the following amount, or so much thereof
31 13 as is necessary, for insurance economic development and
31 14 international insurance economic development:

31 15 \$ 100,000

31 16 Sec. 54. COMMUNITY DEVELOPMENT LOAN FUND. Notwithstanding
31 17 section 15E.120, subsection 5, there is appropriated from the
31 18 Iowa community development loan fund all the moneys available
31 19 during the fiscal year beginning July 1, 2004, and ending June
31 20 30, 2005, to the department of economic development for the
31 21 community development program to be used by the department for
31 22 the purposes of the program.

31 23 Sec. 55. WORKFORCE DEVELOPMENT FUND. There is
31 24 appropriated from the workforce development fund account
31 25 created in section 15.342A, to the workforce development fund
31 26 created in section 15.343, for the fiscal year beginning July
31 27 1, 2004, and ending June 30, 2005, the following amount, for
31 28 the purposes of the workforce development fund, and for not
31 29 more than the following full-time equivalent positions:

31 30 \$ 4,000,000
31 31 FTEs 4.00

31 32 Sec. 56. WORKFORCE DEVELOPMENT ADMINISTRATION. From funds
31 33 appropriated or transferred to or receipts credited to the
31 34 workforce development fund created in section 15.343, up to
31 35 \$400,000 for the fiscal year beginning July 1, 2004, and
32 1 ending June 30, 2005, may be used for the administration of
32 2 workforce development activities including salaries, support,
32 3 maintenance, and miscellaneous purposes and for not more than
32 4 4.00 full-time equivalent positions.

32 5 Sec. 57. JOB TRAINING FUND. Notwithstanding section
32 6 15.251, all remaining moneys in the job training fund on July
32 7 1, 2004, and any moneys appropriated or credited to the fund
32 8 during the fiscal year beginning July 1, 2004, shall be
32 9 transferred to the workforce development fund established
32 10 pursuant to section 15.343.

32 11 Sec. 58. IOWA STATE UNIVERSITY.

32 12 1. There is appropriated from the general fund of the
32 13 state to the Iowa state university of science and technology
32 14 for the fiscal year beginning July 1, 2004, and ending June
32 15 30, 2005, the following amount, or so much thereof as is
32 16 necessary, to be used for small business development centers,
32 17 the science and technology research park, the institute for
32 18 physical research, and for not more than the following full-
32 19 time equivalent positions:

32 20 \$ 2,363,557
32 21 FTEs 56.53

32 22 2. Of the moneys appropriated in subsection 1, Iowa state
32 23 university shall allocate at least \$550,000 for purposes of
32 24 funding small business development centers. Small business
32 25 development centers shall be located equally throughout the
32 26 different regions of the state. Iowa state university may
32 27 allocate moneys appropriated in subsection 1 to the various
32 28 small business development centers in any manner necessary to
32 29 achieve the purposes of this subsection.

32 30 3. Iowa state university of science and technology shall
32 31 do all of the following:

32 32 a. Direct expenditures for research toward projects that
32 33 will provide economic stimulus for Iowa.

32 34 b. Emphasize that a business and an individual that
32 35 creates a business and receives benefits from a program
33 1 funded, in part, through moneys appropriated in this section
33 2 have a commercially viable product or service.

33 3 c. Provide emphasis to providing services to Iowa-based
33 4 companies.

33 5 4. It is the intent of the general assembly that the
33 6 industrial incentive program focus on Iowa industrial sectors
33 7 and seek contributions and in-kind donations from businesses,
33 8 industrial foundations, and trade associations and that moneys

33 9 for the institute for physical research and technology
33 10 industrial incentive program shall only be allocated for
33 11 projects which are matched by private sector moneys for
33 12 directed contract research or for nondirected research. The
33 13 match required of small businesses as defined in section
33 14 15.102, subsection 4, for directed contract research or for
33 15 nondirected research shall be \$1 for each \$3 of state funds.
33 16 The match required for other businesses for directed contract
33 17 research or for nondirected research shall be \$1 for each \$1
33 18 of state funds. The match required of industrial foundations
33 19 or trade associations shall be \$1 for each \$1 of state funds.
33 20 Iowa state university of science and technology shall
33 21 report annually to the joint appropriations subcommittee on
33 22 economic development and the legislative services agency the
33 23 total amount of private contributions, the proportion of
33 24 contributions from small businesses and other businesses, and
33 25 the proportion for directed contract research and nondirected
33 26 research of benefit to Iowa businesses and industrial sectors.
33 27 Notwithstanding section 8.33, moneys appropriated in this
33 28 section that remain unencumbered or unobligated at the close
33 29 of the fiscal year shall not revert but shall remain available
33 30 for expenditure for the purposes designated until the close of
33 31 the succeeding fiscal year.

33 32 Sec. 59. UNIVERSITY OF IOWA.

33 33 1. There is appropriated from the general fund of the
33 34 state to the state university of Iowa for the fiscal year
33 35 beginning July 1, 2004, and ending June 30, 2005, the
34 1 following amount, or so much thereof as is necessary, to be
34 2 used for the university of Iowa research park and for the
34 3 advanced drug development program at the Oakdale research
34 4 park, including salaries, support, maintenance, equipment,
34 5 miscellaneous purposes, and for not more than the following
34 6 full-time equivalent positions:

34 7	\$	247,005
34 8	FTEs	6.00

34 9 2. The university of Iowa shall do all of the following:

34 10 a. Direct expenditures for research toward projects that
34 11 will provide economic stimulus for Iowa.

34 12 b. Emphasize that a business and an individual that
34 13 creates a business and receives benefits from a program
34 14 funded, in part, through moneys appropriated in this section
34 15 have a commercially viable product or service.

34 16 c. Provide emphasis to providing services to Iowa-based
34 17 companies.

34 18 3. The board of regents shall submit a report on the
34 19 progress of regents institutions in meeting the strategic plan
34 20 for technology transfer and economic development to the
34 21 secretary of the senate, the chief clerk of the house of
34 22 representatives, and the legislative services agency by
34 23 January 15, 2005.

34 24 4. Notwithstanding section 8.33, moneys appropriated in
34 25 this section that remain unencumbered or unobligated at the
34 26 close of the fiscal year shall not revert but shall remain
34 27 available for expenditure for the purposes designated until
34 28 the close of the succeeding fiscal year.

34 29 Sec. 60. UNIVERSITY OF NORTHERN IOWA.

34 30 1. There is appropriated from the general fund of the
34 31 state to the university of northern Iowa for the fiscal year
34 32 beginning July 1, 2004, and ending June 30, 2005, the
34 33 following amount, or so much thereof as is necessary, to be
34 34 used for the metal casting institute, and for the institute of
34 35 decision making, including salaries, support, maintenance,
35 1 miscellaneous purposes, and for not more than the following
35 2 full-time equivalent positions:

35 3	\$	361,291
35 4	FTEs	4.75

35 5 2. The university of northern Iowa shall do all of the
35 6 following:

35 7 a. Direct expenditures for research toward projects that
35 8 will provide economic stimulus for Iowa.

35 9 b. Emphasize that a business and an individual that
35 10 creates a business and receives benefits from a program
35 11 funded, in part, through moneys appropriated in this section
35 12 have a commercially viable product or service.

35 13 c. Provide emphasis to providing services to Iowa-based
35 14 companies.

35 15 3. Notwithstanding section 8.33, moneys appropriated in
35 16 this section that remain unencumbered or unobligated at the
35 17 close of the fiscal year shall not revert but shall remain
35 18 available for expenditure for the purposes designated until
35 19 the close of the succeeding fiscal year.

35 20 Sec. 61. DEPARTMENT OF WORKFORCE DEVELOPMENT.
 35 21 1. There is appropriated from the general fund of the
 35 22 state to the department of workforce development for the
 35 23 fiscal year beginning July 1, 2004, and ending June 30, 2005,
 35 24 the following amount, or so much thereof as is necessary, for
 35 25 the division of labor services, the division of workers'
 35 26 compensation, the workforce development state and regional
 35 27 boards, the new employment opportunity fund, salaries,
 35 28 support, maintenance, miscellaneous purposes, and for not more
 35 29 than the following full-time equivalent positions:
 35 30 \$ 4,889,124
 35 31 FTEs 94.20
 35 32 2. From the contractor registration fees, the division of
 35 33 labor services shall reimburse the department of inspections
 35 34 and appeals for all costs associated with hearings under
 35 35 chapter 91C, relating to contractor registration.
 36 1 3. The division of workers' compensation shall continue
 36 2 charging a \$65 filing fee for workers' compensation cases.
 36 3 The filing fee shall be paid by the petitioner of a claim.
 36 4 However, the fee can be taxed as a cost and paid by the losing
 36 5 party, except in cases where it would impose an undue hardship
 36 6 or be unjust under the circumstances. Of the moneys generated
 36 7 by the filing fee allowed under this subsection, the first
 36 8 \$225,000 is appropriated to the department of workforce
 36 9 development to be used for purposes of administering the
 36 10 division of workers' compensation.
 36 11 4. Notwithstanding section 8.33, moneys appropriated in
 36 12 this section that remain unencumbered or unobligated at the
 36 13 close of the fiscal year shall not revert but shall remain
 36 14 available for expenditure for the purposes designated until
 36 15 the close of the succeeding fiscal year.
 36 16 Sec. 62. ADMINISTRATIVE CONTRIBUTION SURCHARGE FUND.
 36 17 Notwithstanding section 96.7, subsection 12, paragraph "c",
 36 18 there is appropriated from the administrative contribution
 36 19 surcharge fund of the state to the department of workforce
 36 20 development for the fiscal year beginning July 1, 2004, and
 36 21 ending June 30, 2005, any moneys remaining in the
 36 22 administrative contribution surcharge fund on June 30, 2004,
 36 23 and the entire amount collected during the fiscal year
 36 24 beginning July 1, 2004, and ending June 30, 2005, or so much
 36 25 thereof as is necessary, for salaries, support, maintenance,
 36 26 conducting labor market surveys, miscellaneous purposes, and
 36 27 for workforce development regional advisory board member
 36 28 expenses.
 36 29 Sec. 63. EMPLOYMENT SECURITY CONTINGENCY FUND. There is
 36 30 appropriated from the special employment security contingency
 36 31 fund to the department of workforce development for the fiscal
 36 32 year beginning July 1, 2004, and ending June 30, 2005, the
 36 33 following amounts, or so much thereof as is necessary, for the
 36 34 purposes designated:
 36 35 1. DIVISION OF WORKERS' COMPENSATION
 37 1 For salaries, support, maintenance, and miscellaneous
 37 2 purposes:
 37 3 \$ 471,000
 37 4 2. IMMIGRATION SERVICE CENTERS
 37 5 For salaries, support, maintenance, and miscellaneous
 37 6 purposes for the pilot immigration service centers:
 37 7 \$ 160,000
 37 8 The department of workforce development shall maintain
 37 9 pilot immigration service centers that offer one-stop services
 37 10 to deal with the multiple issues related to immigration and
 37 11 employment. The pilot centers shall be designed to support
 37 12 workers, businesses, and communities with information,
 37 13 referrals, job placement assistance, translation, language
 37 14 training, resettlement, as well as technical and legal
 37 15 assistance on such issues as forms and documentation. Through
 37 16 the coordination of local, state, and federal service
 37 17 providers, and through the development of partnerships with
 37 18 public, private, and nonprofit entities with established
 37 19 records of international service, these pilot centers shall
 37 20 seek to provide a seamless service delivery system for new
 37 21 Iowans.
 37 22 Any remaining additional penalty and interest revenue may
 37 23 be allocated and used to accomplish the mission of the
 37 24 department.
 37 25 Sec. 64. PUBLIC EMPLOYMENT RELATIONS BOARD. There is
 37 26 appropriated from the general fund of the state to the public
 37 27 employment relations board for the fiscal year beginning July
 37 28 1, 2004, and ending June 30, 2005, the following amount, or so
 37 29 much thereof as is necessary, for the purposes designated:
 37 30 For salaries, support, maintenance, miscellaneous purposes,

37 31 and for not more than the following full-time equivalent
37 32 positions:

37 33 \$ 895,752
37 34 FTEs 10.00

37 35 Sec. 65. Section 96.7, subsection 2, paragraph d,
38 1 subparagraph (1), Code Supplement 2003, is amended to read as
38 2 follows:

38 3 (1) The current reserve fund ratio is computed by dividing
38 4 the total funds available for payment of benefits, on the
38 5 computation date, by the total wages paid in covered
38 6 employment excluding reimbursable employment wages during the
38 7 first four calendar quarters of the five calendar quarters
38 8 immediately preceding the computation date. However, in
38 9 computing the current reserve fund ratio the following amounts

38 10 shall be added to the total funds available for payment of
38 11 benefits on the following computation dates:

38 12 (a) Twenty million dollars on July 1, 2004.

38 13 (b) Seventy million dollars on July 1, 2005.

38 14 (c) One hundred twenty million dollars on July 1, 2006.

38 15 (d) One hundred fifty million dollars on July 1, 2007, and
38 16 on each subsequent computation date.

38 17 Sec. 66. Section 96.19, subsection 18, paragraph a,
38 18 subparagraph (7), subparagraph subdivision (a), Code 2003, is
38 19 amended to read as follows:

38 20 (a) A person in agricultural labor when such labor is
38 21 performed for an employing unit which during any calendar
38 22 quarter in the calendar year or the preceding calendar year
38 23 paid remuneration in cash of twenty thousand dollars or more
38 24 to individuals employed in agricultural labor excluding labor
38 25 performed before January 1, 1980, by an alien referred to in
38 26 this subparagraph; or on each of some twenty days during the
38 27 calendar year or the preceding calendar year, each day being
38 28 in a different calendar week, employed in agricultural labor
38 29 for some portion of the day ten or more individuals, excluding
38 30 labor performed before January 1, 1980, by an alien referred
38 31 to in this subparagraph; and such labor is not agricultural
38 32 labor performed before January 1, 1980, by an individual who
38 33 is an alien admitted to the United States to perform
38 34 agricultural labor pursuant to sections 214(c) and
38 35 101(a)(15)(H) of the Immigration and Nationality Act, 8 U.S.C.
39 1 } 1184(c), 1101(a)(15)(H) (1976). For purposes of this
39 2 subparagraph subdivision, "employed" shall not include
39 3 services performed by agricultural workers who are aliens
39 4 admitted to the United States to perform labor pursuant to
39 5 section 101(a)(15)(H)(ii)(a) of the Immigration and
39 6 Nationality Act and who are not covered under the Federal
39 7 Unemployment Tax Act.

39 8 Sec. 67. IOWA COMMUNITY COLLEGE ONE SOURCE TRAINING
39 9 INITIATIVE. In the interest of putting an emphasis on the
39 10 software and information technology sector in this state, the
39 11 Iowa community college one source training initiative is
39 12 encouraged to explore a partnership with software and
39 13 information technology of Iowa to identify methods of funding
39 14 the training and retraining needs of the software and
39 15 information technology sector in Iowa. To the extent
39 16 possible, funding from the workforce training and economic
39 17 development moneys in the grow Iowa values fund should be
39 18 considered as a potential funding source for these purposes.

39 19 Sec. 68. VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES
39 20 FINANCIAL ASSISTANCE FUND MONEYS. The office of renewable
39 21 fuels and coproducts may apply to the department of economic
39 22 development for moneys in the value-added agricultural
39 23 products and processes financial assistance fund for deposit
39 24 in the renewable fuels and coproducts fund created in section
39 25 159A.7.

39 26 Sec. 69. IOWA FINANCE AUTHORITY AUDIT. The auditor of
39 27 state is requested to review the audit of the Iowa finance
39 28 authority performed by the auditor hired by the authority.
39 29 The auditor of state is also requested to conduct a
39 30 performance audit of the authority to determine the
39 31 effectiveness of the authority and the programs of the
39 32 authority.

39 33 Sec. 70. APPLICATION FOR DEPARTMENT OF ECONOMIC
39 34 DEVELOPMENT MONEYS. For the fiscal year beginning July 1,
39 35 2004, any entity that was specifically identified in 2001 Iowa
40 1 Acts, chapter 188, to receive funding from the department of
40 2 economic development, excluding any entity identified to
40 3 receive a direct appropriation beginning July 1, 2004, may
40 4 apply to the department for assistance through the appropriate
40 5 program. The department shall provide application criteria
40 6 necessary to implement this section.

40 7 Sec. 71. EXPENDITURE AND ALLOCATION REPORTS. The
40 8 department of economic development, the department of
40 9 workforce development, and the regents institutions receiving
40 10 an appropriation pursuant to this division of this Act shall
40 11 file a written report on a quarterly basis with the
40 12 chairpersons and ranking members of the joint appropriations
40 13 subcommittee on economic development and the legislative
40 14 services agency regarding all expenditures of moneys
40 15 appropriated pursuant to this division of this Act during the
40 16 quarter, allocations of moneys appropriated pursuant to this
40 17 Act during the quarter, and full-time equivalent positions
40 18 allocated during the quarter.

40 19 Sec. 72. SHELTER ASSISTANCE FUND. In providing moneys
40 20 from the shelter assistance fund to homeless shelter programs
40 21 in the fiscal year beginning July 1, 2004, and ending June 30,
40 22 2005, the department of economic development shall explore the
40 23 potential of allocating moneys to homeless shelter programs
40 24 based in part on their ability to move their clients toward
40 25 self-sufficiency.

40 26 Sec. 73. FEDERAL GRANTS. All federal grants to and the
40 27 federal receipts of agencies appropriated funds under this
40 28 division of this Act, not otherwise appropriated, are
40 29 appropriated for the purposes set forth in the federal grants
40 30 or receipts unless otherwise provided by the general assembly.

40 31 Sec. 74. UNEMPLOYMENT COMPENSATION PROGRAM.
40 32 Notwithstanding section 96.9, subsection 4, paragraph "a",
40 33 moneys credited to the state by the secretary of the treasury
40 34 of the United States pursuant to section 903 of the Social
40 35 Security Act shall be appropriated to the department of
41 1 workforce development and shall be used by the department for
41 2 the administration of the unemployment compensation program
41 3 only. This appropriation shall not apply to any fiscal year
41 4 beginning after December 31, 2004.

41 5 Sec. 75. PAYROLL EXPENDITURE REFUNDS. There is
41 6 appropriated from the general fund of the state to the
41 7 department of economic development for the fiscal year
41 8 beginning July 1, 2004, and ending June 30, 2005, \$27,786, or
41 9 so much thereof as is necessary, to pay refunds as provided
41 10 under section 15.365.

41 11 DIVISION IV

41 12 EDUCATION

41 13 COLLEGE STUDENT AID COMMISSION

41 14 Sec. 76. There is appropriated from the general fund of
41 15 the state to the college student aid commission for the fiscal
41 16 year beginning July 1, 2004, and ending June 30, 2005, the
41 17 following amounts, or so much thereof as may be necessary, to
41 18 be used for the purposes designated:

41 19 1. GENERAL ADMINISTRATION

41 20 For salaries, support, maintenance, miscellaneous purposes,
41 21 and for not more than the following full-time equivalent
41 22 positions:

41 23	\$	298,825
41 24	FTEs	4.30

41 25 2. STUDENT AID PROGRAMS

41 26 For payments to students for the Iowa grant program:

41 27	\$	1,029,784
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41 28 3. DES MOINES UNIVERSITY == OSTEOPATHIC MEDICAL CENTER

41 29 For the Des Moines university == osteopathic medical center
41 30 for an initiative in primary health care to direct primary
41 31 care physicians to shortage areas in the state:

41 32	\$	396,451
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41 33 From the funds appropriated in this subsection, \$50,000
41 34 shall be used for forgivable loans in accordance with section
41 35 261.19, subsection 2.

42 1 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

42 2 For purposes of providing national guard educational
42 3 assistance under the program established in section 261.86:

42 4	\$	2,900,000
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42 5 5. TEACHER SHORTAGE FORGIVABLE LOAN PROGRAM

42 6 For the teacher shortage forgivable loan program
42 7 established in section 261.111:

42 8	\$	460,472
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42 9 Sec. 77. WORK=STUDY APPROPRIATION NULLIFICATION FOR FY
42 10 2004=2005. Notwithstanding section 261.85, for the fiscal
42 11 year beginning July 1, 2004, and ending June 30, 2005, the
42 12 amount appropriated for the work=study program under section
42 13 261.85 shall be zero.

42 14 DEPARTMENT FOR THE BLIND

42 15 Sec. 78. ADMINISTRATION. There is appropriated from the
42 16 general fund of the state to the department for the blind for
42 17 the fiscal year beginning July 1, 2004, and ending June 30,

42 18 2005, the following amount, or so much thereof as is
 42 19 necessary, to be used for the purposes designated:
 42 20 For salaries, support, maintenance, miscellaneous purposes
 42 21 and for not more than the following full-time equivalent
 42 22 positions:
 42 23 \$ 1,541,907
 42 24 FTEs 109.51
 42 25 DEPARTMENT OF CULTURAL AFFAIRS
 42 26 Sec. 79. There is appropriated from the general fund of
 42 27 the state to the department of cultural affairs for the fiscal
 42 28 year beginning July 1, 2004, and ending June 30, 2005, the
 42 29 following amounts, or so much thereof as is necessary, to be
 42 30 used for the purposes designated:
 42 31 1. ADMINISTRATION
 42 32 For salaries, support, maintenance, miscellaneous purposes,
 42 33 and for not more than the following full-time equivalent
 42 34 positions:
 42 35 \$ 214,475
 43 1 FTEs 1.17
 43 2 The department of cultural affairs shall coordinate
 43 3 activities with the tourism office of the department of
 43 4 economic development to promote attendance at the state
 43 5 historical building and at this state's historic sites.
 43 6 2. COMMUNITY CULTURAL GRANTS
 43 7 For planning and programming for the community cultural
 43 8 grants program established under section 303.3:
 43 9 \$ 299,240
 43 10 3. HISTORICAL DIVISION
 43 11 For salaries, support, maintenance, miscellaneous purposes,
 43 12 and for not more than the following full-time equivalent
 43 13 positions:
 43 14 \$ 2,868,725
 43 15 FTEs 54.78
 43 16 4. HISTORIC SITES
 43 17 For salaries, support, maintenance, miscellaneous purposes,
 43 18 and for not more than the following full-time equivalent
 43 19 positions:
 43 20 \$ 526,459
 43 21 FTEs 8.00
 43 22 5. ARTS DIVISION
 43 23 For salaries, support, maintenance, miscellaneous purposes,
 43 24 including funds to match federal grants and for not more than
 43 25 the following full-time equivalent positions:
 43 26 \$ 1,157,486
 43 27 FTEs 7.55
 43 28 DEPARTMENT OF EDUCATION
 43 29 Sec. 80. There is appropriated from the general fund of
 43 30 the state to the department of education for the fiscal year
 43 31 beginning July 1, 2004, and ending June 30, 2005, the
 43 32 following amounts, or so much thereof as may be necessary, to
 43 33 be used for the purposes designated:
 43 34 1. GENERAL ADMINISTRATION
 43 35 For salaries, support, maintenance, miscellaneous purposes,
 44 1 and for not more than the following full-time equivalent
 44 2 positions:
 44 3 \$ 5,168,114
 44 4 FTEs 85.65
 44 5 The director of the department of education shall ensure
 44 6 that all school districts are aware of the state education
 44 7 resources available on the state website for listing teacher
 44 8 job openings and shall make every reasonable effort to enable
 44 9 qualified practitioners to post their resumes on the state
 44 10 website. The department shall administer the posting of job
 44 11 vacancies for school districts, accredited nonpublic schools,
 44 12 and area education agencies on the state website. The
 44 13 department may coordinate this activity with the Iowa school
 44 14 board association or other interested education associations
 44 15 in the state. The department shall strongly encourage school
 44 16 districts to seek direct claiming under the medical assistance
 44 17 program for funding of school district nursing services for
 44 18 students.
 44 19 2. VOCATIONAL EDUCATION ADMINISTRATION
 44 20 For salaries, support, maintenance, miscellaneous purposes,
 44 21 and for not more than the following full-time equivalent
 44 22 positions:
 44 23 \$ 514,828
 44 24 FTEs 18.25
 44 25 3. VOCATIONAL REHABILITATION SERVICES DIVISION
 44 26 a. For salaries, support, maintenance, miscellaneous
 44 27 purposes, and for not more than the following full-time
 44 28 equivalent positions:

44 29 \$ 4,278,784
 44 30 FTEs 281.50
 44 31 The division of vocational rehabilitation services shall
 44 32 seek funding from other sources, such as local funds, for
 44 33 purposes of matching the state's federal vocational
 44 34 rehabilitation allocation, as well as for matching other
 44 35 federal vocational rehabilitation funding that may become
 45 1 available.
 45 2 Except where prohibited under federal law, the division of
 45 3 vocational rehabilitation services of the department of
 45 4 education shall accept client assessments, or assessments of
 45 5 potential clients, performed by other agencies in order to
 45 6 reduce duplication of effort.
 45 7 Notwithstanding the full-time equivalent position limit
 45 8 established in this lettered paragraph, for the fiscal year
 45 9 ending June 30, 2005, if federal funding is received to pay
 45 10 the costs of additional employees for the vocational
 45 11 rehabilitation services division who would have duties
 45 12 relating to vocational rehabilitation services paid for
 45 13 through federal funding, authorization to hire not more than
 45 14 4.00 additional full-time equivalent employees shall be
 45 15 provided, the full-time equivalent position limit shall be
 45 16 exceeded, and the additional employees shall be hired by the
 45 17 division.
 45 18 b. For matching funds for programs to enable persons with
 45 19 severe physical or mental disabilities to function more
 45 20 independently, including salaries and support, and for not
 45 21 more than the following full-time equivalent position:
 45 22 \$ 54,150
 45 23 FTEs 1.00
 45 24 The highest priority use for the moneys appropriated under
 45 25 this lettered paragraph shall be for programs that emphasize
 45 26 employment and assist persons with severe physical or mental
 45 27 disabilities to find and maintain employment to enable them to
 45 28 function more independently.
 45 29 4. STATE LIBRARY
 45 30 a. For salaries, support, maintenance, miscellaneous
 45 31 purposes, and for not more than the following full-time
 45 32 equivalent positions:
 45 33 \$ 1,262,603
 45 34 FTEs 18.00
 45 35 b. For the enrich Iowa program:
 46 1 \$ 1,698,432
 46 2 (1) Funds allocated for purposes of the enrich Iowa
 46 3 program as provided in this lettered paragraph shall be
 46 4 distributed by the division of libraries and information
 46 5 services to provide support for Iowa's libraries. The
 46 6 commission of libraries shall develop rules governing the
 46 7 allocation of funds provided by the general assembly for the
 46 8 enrich Iowa program to provide direct state assistance to
 46 9 public libraries and to fund the open access and access plus
 46 10 programs. Direct state assistance to eligible public
 46 11 libraries is provided as an incentive to improve library
 46 12 services and to reduce inequities among communities in the
 46 13 delivery of library services based on recognized and adopted
 46 14 performance measures. Funds distributed as direct state
 46 15 assistance shall be distributed to eligible public libraries
 46 16 that are in compliance with performance measures adopted by
 46 17 rule by the commission of libraries. The funds allocated as
 46 18 provided in this lettered paragraph shall not be used for the
 46 19 costs of administration by the division. The amount of direct
 46 20 state assistance distributed to each eligible public library
 46 21 shall be based upon the following:
 46 22 (a) The level of compliance by the eligible public library
 46 23 with the performance measures adopted by the commission as
 46 24 provided in this subparagraph.
 46 25 (b) The number of people residing within an eligible
 46 26 library's geographic service area for whom the library
 46 27 provides services.
 46 28 (c) The amount of other funding the eligible public
 46 29 library received in the previous fiscal year for providing
 46 30 services to rural residents and to contracting communities.
 46 31 (2) Moneys received by a public library under this
 46 32 lettered paragraph shall supplement, not supplant, any other
 46 33 funding received by the library.
 46 34 (3) For purposes of this section, "eligible public
 46 35 library" means a public library that meets all of the
 47 1 following requirements:
 47 2 (a) Submits to the division all of the following:
 47 3 (i) The report provided for under section 256.51,
 47 4 subsection 1, paragraph "h".

47 5 (ii) An application and accreditation report, in a format
47 6 approved by the commission, that provides evidence of the
47 7 library's compliance with at least one level of the standards
47 8 established in accordance with section 256.51, subsection 1,
47 9 paragraph "k".
47 10 (iii) Any other application or report the division deems
47 11 necessary for the implementation of the enrich Iowa program.
47 12 (b) Participates in the library resource and information
47 13 sharing programs established by the state library.
47 14 (c) Is a public library established by city ordinance or a
47 15 library district as provided in chapter 336.
47 16 (4) Each eligible public library shall maintain a separate
47 17 listing within its budget for payments received and
47 18 expenditures made pursuant to this lettered paragraph, and
47 19 shall annually submit this listing to the division.
47 20 (5) By January 15, 2006, the division shall submit a
47 21 program evaluation report to the general assembly and the
47 22 governor detailing the uses and the impacts of funds allocated
47 23 under this lettered paragraph.
47 24 (6) A public library that receives funds in accordance
47 25 with this lettered paragraph shall have an internet use policy
47 26 in place, which may or may not include internet filtering.
47 27 The library shall submit a report describing the library's
47 28 internet use efforts to the division.
47 29 (7) A public library that receives funds in accordance
47 30 with this lettered paragraph shall provide open access, the
47 31 reciprocal borrowing program, as a service to its patrons, at
47 32 a reimbursement rate determined by the state library.
47 33 5. LIBRARY SERVICE AREA SYSTEM
47 34 For state aid:
47 35 \$ 1,376,558
48 1 6. PUBLIC BROADCASTING DIVISION
48 2 For salaries, support, maintenance, capital expenditures,
48 3 miscellaneous purposes, and for not more than the following
48 4 full-time equivalent positions:
48 5 \$ 6,568,514
48 6 FTEs 78.00
48 7 7. REGIONAL TELECOMMUNICATIONS COUNCILS
48 8 For state aid and for not more than the following full-time
48 9 equivalent positions:
48 10 \$ 1,600,806
48 11 FTEs 6.00
48 12 a. Of the amount appropriated in this subsection, \$360,328
48 13 shall be allocated to the public broadcasting division for
48 14 purposes of providing support for functions related to the
48 15 Iowa communications network, including but not limited to the
48 16 following functions: development of distance learning
48 17 applications; development of a central information source on
48 18 the internet relating to educational uses of the network;
48 19 second-line technical support for network sites; testing and
48 20 initializing sites onto the network; and coordinating the work
48 21 of the education telecommunications council.
48 22 b. Of the amount appropriated in this subsection,
48 23 \$1,240,478 shall be allocated to the regional
48 24 telecommunications councils established in section 8D.5. The
48 25 regional telecommunications councils shall use the funds to
48 26 provide technical assistance for network classrooms, planning
48 27 and troubleshooting for local area networks, scheduling of
48 28 video sites, and other related support activities.
48 29 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
48 30 For reimbursement for vocational education expenditures
48 31 made by secondary schools:
48 32 \$ 2,936,904
48 33 Funds appropriated in this subsection shall be used for
48 34 expenditures made by school districts to meet the standards
48 35 set in sections 256.11, 258.4, and 260C.14 as a result of the
49 1 enactment of 1989 Iowa Acts, chapter 278. Funds shall be used
49 2 as reimbursement for vocational education expenditures made by
49 3 secondary schools in the manner provided by the department of
49 4 education for implementation of the standards set in 1989 Iowa
49 5 Acts, chapter 278.
49 6 9. SCHOOL FOOD SERVICE
49 7 For use as state matching funds for federal programs that
49 8 shall be disbursed according to federal regulations, including
49 9 salaries, support, maintenance, and miscellaneous purposes:
49 10 \$ 2,509,683
49 11 10. IOWA EMPOWERMENT FUND
49 12 For deposit in the school ready children grants account of
49 13 the Iowa empowerment fund created in section 28.9:
49 14 \$ 13,381,594
49 15 a. From the moneys deposited in the school ready children

49 16 grants account for the fiscal year beginning July 1, 2004, and
49 17 ending June 30, 2005, not more than \$200,000 is allocated for
49 18 the community empowerment office and other technical
49 19 assistance activities. It is the intent of the general
49 20 assembly that regional technical assistance teams will be
49 21 established and will include staff from various agencies, as
49 22 appropriate, including the area education agencies, community
49 23 colleges, and the Iowa state university of science and
49 24 technology cooperative extension service in agriculture and
49 25 home economics. The Iowa empowerment board shall direct staff
49 26 to work with the advisory council to inventory technical
49 27 assistance needs. Funds allocated under this lettered
49 28 paragraph may be used by the Iowa empowerment board for the
49 29 purpose of skills development and support for ongoing training
49 30 of the regional technical assistance teams. However, funds
49 31 shall not be used for additional staff or for the
49 32 reimbursement of staff.

49 33 b. Notwithstanding any other provision of law to the
49 34 contrary, the community empowerment office shall use the
49 35 documentation created by the legislative services agency to
50 1 continue the implementation of the four-year phase-in period
50 2 of the distribution formula approved by the community
50 3 empowerment board.

50 4 c. As a condition of receiving funding appropriated in
50 5 this subsection, each community empowerment area board shall
50 6 report to the Iowa empowerment board progress on each of the
50 7 state indicators approved by the state board, as well as
50 8 progress on local indicators. The community empowerment area
50 9 board must also submit a written plan amendment extending by
50 10 one year the area's comprehensive school ready children grant
50 11 plan developed for providing services for children from birth
50 12 through five years of age and provide other information
50 13 specified by the Iowa empowerment board. The amendment may
50 14 also provide for changes in the programs and services provided
50 15 under the plan. The Iowa empowerment board shall establish a
50 16 submission deadline for the plan amendment that allows a
50 17 reasonable period of time for preparation of the plan
50 18 amendment and for review and approval or request for
50 19 modification of the plan amendment by the Iowa empowerment
50 20 board. In addition, the community empowerment board must
50 21 continue to comply with reporting provisions and other
50 22 requirements adopted by the Iowa empowerment board in
50 23 implementing section 28.8.

50 24 11. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS

50 25 To provide funds for costs of providing textbooks to each
50 26 resident pupil who attends a nonpublic school as authorized by
50 27 section 301.1. The funding is limited to \$20 per pupil and
50 28 shall not exceed the comparable services offered to resident
50 29 public school pupils:

50 30 \$ 590,458

50 31 12. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM

50 32 For purposes, as provided in law, of the student
50 33 achievement and teacher quality program established pursuant
50 34 to chapter 284:

50 35 \$ 45,283,894

51 1 13. JOBS FOR AMERICA'S GRADUATES

51 2 For school districts to provide direct services to the most
51 3 at-risk senior high school students enrolled in school
51 4 districts through direct intervention by a jobs for America's
51 5 graduates specialist:

51 6 \$ 400,000

51 7 14. CLOSING THE ACHIEVEMENT GAP GRANTS

51 8 For competitive grants to be awarded in no more than four
51 9 school districts:

51 10 \$ 500,000

51 11 a. The department shall establish a competitive grant
51 12 program that supports school district efforts to address the
51 13 achievement gap. Priority shall be given to school districts
51 14 using research-based strategies that have the highest
51 15 probability of improving student achievement. A grant in the
51 16 amount of \$125,000 shall be awarded no later than October 1,
51 17 2004, to a school district in each of the following size
51 18 school districts:

51 19 (1) A school district with an enrollment of 1199 or less.

51 20 (2) A school district with an enrollment of more than
51 21 1199, but not more than 4749.

51 22 (3) A school district with an enrollment of more than
51 23 4749.

51 24 (4) A school district with any enrollment.

51 25 b. Grant moneys may be used by recipient school districts
51 26 for purposes including, but not limited to, assigning highly

51 27 skilled teachers to high-need students and highly skilled
 51 28 administrators to high-need buildings, maintaining a
 51 29 commitment to cultural competency training, sustaining high
 51 30 expectations for all children, and creating partnerships
 51 31 between schools, communities, and businesses.
 51 32 15. COMMUNITY COLLEGES
 51 33 For general state financial aid to merged areas as defined
 51 34 in section 260C.2 in accordance with chapters 258 and 260C:
 51 35 \$139,779,244
 52 1 The funds appropriated in this subsection shall be
 52 2 allocated as follows:
 52 3 a. Merged Area I \$ 6,717,353
 52 4 b. Merged Area II \$ 7,859,917
 52 5 c. Merged Area III \$ 7,295,985
 52 6 d. Merged Area IV \$ 3,569,332
 52 7 e. Merged Area V \$ 7,499,287
 52 8 f. Merged Area VI \$ 6,918,909
 52 9 g. Merged Area VII \$ 10,008,601
 52 10 h. Merged Area IX \$ 12,311,409
 52 11 i. Merged Area X \$ 19,369,288
 52 12 j. Merged Area XI \$ 20,524,506
 52 13 k. Merged Area XII \$ 8,084,396
 52 14 l. Merged Area XIII \$ 8,298,918
 52 15 m. Merged Area XIV \$ 3,612,936
 52 16 n. Merged Area XV \$ 11,362,216
 52 17 o. Merged Area XVI \$ 6,346,191
 52 18 Sec. 81. WHOLE=GRADE SHARING AGREEMENT DEADLINE WAIVER.
 52 19 Notwithstanding sections 282.10 and 282.11, the department of
 52 20 education may, at the department's discretion, waive any of
 52 21 the deadline requirements of sections 282.10 and 282.11,
 52 22 relating to the signing of a whole=grade sharing agreement by
 52 23 the boards of two or more school districts involved in the
 52 24 agreement and the public notice and hearing requirements, if
 52 25 one of the districts involved in the agreement has an
 52 26 enrollment of less than three hundred. This section is
 52 27 repealed July 1, 2004.
 52 28 Sec. 82. STATEWIDE TEACHER INTERN PROGRAM FEASIBILITY
 52 29 STUDY == FEDERAL GRANT APPLICATION COORDINATION.
 52 30 1. The department of education shall work cooperatively
 52 31 with the state board of regents and other accredited
 52 32 postsecondary institutions with approved practitioner
 52 33 preparation programs to assess the feasibility of the offering
 52 34 of a teacher intern program that will be available statewide
 52 35 and which will meet the standards as provided in 281 IAC 77.
 53 1 The department shall, at minimum, collaborate with the state
 53 2 board of regents and the colleges of education at board's
 53 3 institutions of higher learning, and with other accredited
 53 4 postsecondary institutions with approved practitioner
 53 5 preparation programs. The study shall include the projected
 53 6 enrollment, cost, delivery of the program via technology, and
 53 7 possible time lines for implementation of a statewide teacher
 53 8 intern program. The study shall, at minimum, consider the
 53 9 establishment of a program operated through a regents
 53 10 institution under a cooperative arrangement with other
 53 11 postsecondary institutions, including institutions that do not
 53 12 have approved practitioner preparation programs, or with one
 53 13 or more area education agencies. The department shall submit
 53 14 a report summarizing the results of the study and making
 53 15 recommendations to the chairpersons and ranking members of the
 53 16 house and senate committees on education and the chairpersons
 53 17 and rankings members of the joint appropriations subcommittee
 53 18 on education by January 15, 2005.
 53 19 2. The department shall work cooperatively with the state
 53 20 board of regents and other appropriate eligible grantees to
 53 21 obtain any available federal funding, including grants that
 53 22 may be available for the establishment and operation of a
 53 23 teacher intern program.
 53 24 Sec. 83. BOARD OF EDUCATIONAL EXAMINERS LICENSING FEES.
 53 25 Notwithstanding section 272.10, up to 85 percent of any funds
 53 26 received annually resulting from an increase in fees approved
 53 27 and implemented for licensing by the state board of
 53 28 educational examiners after July 1, 1997, and before June 30,
 53 29 2003, and up to 70 percent of any funds received annually
 53 30 resulting from an increase in fees approved and implemented
 53 31 for licensing by the state board after July 1, 2003, shall be
 53 32 available for the fiscal year beginning July 1, 2004, to the
 53 33 state board for purposes related to the state board's duties,
 53 34 including, but not limited to, additional full-time equivalent
 53 35 positions. The director of the department of administrative
 54 1 services shall draw warrants upon the treasurer of state from
 54 2 the funds appropriated as provided in this section and shall

54 3 make the funds resulting from the increase in fees available
54 4 during the fiscal year to the state board on a monthly basis.
54 5 Sec. 84. MINIMUM TEACHER SALARY REQUIREMENTS == FY 2004=
54 6 2005.
54 7 1. Notwithstanding section 284.7, subsection 1, paragraph
54 8 "a", subparagraph (2), the minimum teacher salary paid by a
54 9 school district or area education agency for purposes of
54 10 teacher compensation in accordance with chapter 284, for the
54 11 fiscal year beginning July 1, 2004, and ending June 30, 2005,
54 12 shall be the minimum salary amount the school district or area
54 13 education agency paid to a first-year beginning teacher or,
54 14 the minimum salary amount the school district or area
54 15 education agency would have paid a first-year beginning
54 16 teacher if the school district or area education agency had
54 17 participated in the program in the 2001=2002 school year, in
54 18 accordance with section 284.7, subsection 1, Code Supplement
54 19 2001. If the school district or area education agency did not
54 20 employ a first-year beginning teacher in the 2001=2002 school
54 21 year, the minimum salary is the amount that the district would
54 22 have paid a first-year beginning teacher under chapter 284 in
54 23 the 2001=2002 school year.

54 24 2. Notwithstanding section 284.7, subsection 1, paragraph
54 25 "b", subparagraph (2), the minimum career teacher salary paid
54 26 to a career teacher who was a beginning teacher in the 2003=
54 27 2004 school year, by a school district or area education
54 28 agency participating in the student achievement and teacher
54 29 quality program, for the school year beginning July 1, 2004,
54 30 and ending June 30, 2005, shall be, unless the school district
54 31 has a minimum career teacher salary that exceeds thirty
54 32 thousand dollars, one thousand dollars greater than the
54 33 minimum salary amount the school district or area education
54 34 agency paid to a first-year beginning teacher if the school
54 35 district or area education agency participated in the program
55 1 during the 2001=2002 school year, or the minimum salary amount
55 2 the school district or area education agency would have paid a
55 3 first-year beginning teacher if the school district or area
55 4 education agency had participated in the program in the 2001=
55 5 2002 school year, in accordance with section 284.7, subsection
55 6 1, Code Supplement 2001.

55 7 3. Notwithstanding section 284.7, subsection 1, paragraph
55 8 "b", subparagraph (2), and except as provided in subsection 2,
55 9 the minimum career teacher salary paid by a school district or
55 10 area education agency participating in the student achievement
55 11 and teacher quality program, for purposes of teacher
55 12 compensation in accordance with chapter 284, for the school
55 13 year beginning July 1, 2004, and ending June 30, 2005, shall
55 14 be the minimum salary amount the school district or area
55 15 education agency paid to a career teacher if the school
55 16 district or area education agency participated in the program
55 17 during the 2001=2002 school year, or, the minimum salary
55 18 amount the school district or area education agency would have
55 19 paid a career teacher if the school district or area education
55 20 agency had participated in the program in the 2001=2002 school
55 21 year, in accordance with section 284.7, subsection 1, Code
55 22 Supplement 2001.

55 23 Sec. 85. SUPPLEMENTAL AID FOR THE IOWA PUBLIC BROADCASTING
55 24 DIVISION. Notwithstanding the provisions of section 8.33, or
55 25 any other provision of law to the contrary, \$158,000 from the
55 26 moneys from the appropriation made in section 284.13,
55 27 subsection 1, paragraph "d", as amended by this division of
55 28 this Act, which remain unexpended or unencumbered on June 30,
55 29 2004, shall not revert but shall remain available for
55 30 expenditure in the succeeding fiscal year by the department of
55 31 education for the public broadcasting division to supplement
55 32 the appropriation made in this division of this Act for the
55 33 public broadcasting division.

55 34 STATE BOARD OF REGENTS

55 35 Sec. 86. There is appropriated from the general fund of
56 1 the state to the state board of regents for the fiscal year
56 2 beginning July 1, 2004, and ending June 30, 2005, the
56 3 following amounts, or so much thereof as may be necessary, to
56 4 be used for the purposes designated:

56 5 1. OFFICE OF STATE BOARD OF REGENTS

56 6 a. For salaries, support, maintenance, miscellaneous
56 7 purposes, and for not more than the following full-time
56 8 equivalent positions:

56 9	\$ 1,160,398
56 10	FTEs 16.00

56 11 The state board of regents, the department of management,
56 12 and the legislative services agency shall cooperate to
56 13 determine and agree upon, by November 15, 2004, the amount

56 14 that needs to be appropriated for tuition replacement for the
 56 15 fiscal year beginning July 1, 2005.
 56 16 The state board of regents shall submit a monthly financial
 56 17 report in a format agreed upon by the state board of regents
 56 18 office and the legislative services agency.
 56 19 b. For allocation by the state board of regents to the
 56 20 state university of Iowa, the Iowa state university of science
 56 21 and technology, and the university of northern Iowa to
 56 22 reimburse the institutions for deficiencies in their operating
 56 23 funds resulting from the pledging of tuitions, student fees
 56 24 and charges, and institutional income to finance the cost of
 56 25 providing academic and administrative buildings and facilities
 56 26 and utility services at the institutions:
 56 27 \$ 13,009,474
 56 28 Notwithstanding section 8.33, funds appropriated for the
 56 29 purposes in this lettered paragraph remaining unencumbered or
 56 30 unobligated at the end of the fiscal year shall not revert to
 56 31 the general fund of the state but shall be available for
 56 32 expenditure for the purposes specified in this lettered
 56 33 paragraph during the subsequent fiscal year.
 56 34 c. For funds to be allocated to the southwest Iowa
 56 35 graduate studies center:
 57 1 \$ 105,956
 57 2 d. For funds to be allocated to the siouxland interstate
 57 3 metropolitan planning council for the tristate graduate center
 57 4 under section 262.9, subsection 21:
 57 5 \$ 77,941
 57 6 e. For funds to be allocated to the quad-cities graduate
 57 7 studies center:
 57 8 \$ 157,144
 57 9 2. STATE UNIVERSITY OF IOWA
 57 10 a. General university, including lakeside laboratory
 57 11 For salaries, support, maintenance, equipment,
 57 12 miscellaneous purposes, and for not more than the following
 57 13 full-time equivalent positions:
 57 14 \$219,937,344
 57 15 FTEs 4,055.62
 57 16 It is the intent of the general assembly that the
 57 17 university continue progress on the school of public health
 57 18 and the public health initiative for the purposes of
 57 19 establishing an accredited school of public health and for
 57 20 funding an initiative for the health and independence of
 57 21 elderly Iowans. From the funds appropriated in this lettered
 57 22 paragraph, the university may use up to \$2,100,000 for the
 57 23 school of public health and the public health initiative.
 57 24 b. University hospitals
 57 25 For salaries, support, maintenance, equipment, and
 57 26 miscellaneous purposes and for medical and surgical treatment
 57 27 of indigent patients as provided in chapter 255, for medical
 57 28 education, and for not more than the following full-time
 57 29 equivalent positions:
 57 30 \$ 27,284,584
 57 31 FTEs 5,471.01
 57 32 Of the amount appropriated in this lettered paragraph,
 57 33 \$25,950,166 shall be considered encumbered and shall not be
 57 34 expended for any purpose until January 1, 2005.
 57 35 (1) However, if the department of human services adjusts
 58 1 hospital payments to provide an increased base rate to offset
 58 2 the high cost incurred for providing services to medical
 58 3 assistance patients prior to January 1, 2005, a portion of the
 58 4 amount specified in this unnumbered paragraph equal to the
 58 5 increased Medicaid payment shall revert to the general fund of
 58 6 the state. Notwithstanding section 8.54, subsection 7, the
 58 7 amount required to revert under this subparagraph shall not be
 58 8 considered to be appropriated for purposes of the state
 58 9 general fund expenditure limitation for the fiscal year
 58 10 beginning July 1, 2004.
 58 11 (2) If the adjustment described in subparagraph (1) to
 58 12 increase the base rate is not made prior to January 1, 2005,
 58 13 the amount specified in this unnumbered paragraph shall no
 58 14 longer be considered encumbered, may be expended, and shall be
 58 15 available for the purposes originally specified.
 58 16 (3) Any incremental increase in the base rate made
 58 17 pursuant to subparagraph (1) shall not be used in determining
 58 18 the university of Iowa hospital and clinics disproportionate
 58 19 share rate or when determining the statewide average base rate
 58 20 for purposes of calculating indirect medical education rates.
 58 21 The university of Iowa hospitals and clinics shall, within
 58 22 the context of chapter 255 and when medically appropriate,
 58 23 make reasonable efforts to extend the university of Iowa
 58 24 hospitals and clinics' use of home telemedicine and other

58 25 technologies to reduce the frequency of visits to the hospital
58 26 required by the indigent patients.

58 27 The university of Iowa hospitals and clinics shall submit
58 28 quarterly a report regarding the portion of the appropriation
58 29 in this lettered paragraph expended on medical education. The
58 30 report shall be submitted in a format jointly developed by the
58 31 university of Iowa hospitals and clinics, the legislative
58 32 services agency, and the department of management, and shall
58 33 delineate the expenditures and purposes of the funds.

58 34 (4) Funds appropriated in this lettered paragraph shall
58 35 not be used to perform abortions except medically necessary
59 1 abortions, and shall not be used to operate the early
59 2 termination of pregnancy clinic except for the performance of
59 3 medically necessary abortions. For the purpose of this
59 4 lettered paragraph, an abortion is the purposeful interruption
59 5 of pregnancy with the intention other than to produce a live=
59 6 born infant or to remove a dead fetus, and a medically
59 7 necessary abortion is one performed under one of the following
59 8 conditions:

59 9 (a) The attending physician certifies that continuing the
59 10 pregnancy would endanger the life of the pregnant woman.

59 11 (b) The attending physician certifies that the fetus is
59 12 mentally deficient or afflicted with a congenital illness.

59 13 (c) The pregnancy is the result of a rape which is
59 14 reported within 45 days of the incident to a law enforcement
59 15 agency or public or private health agency which may include a
59 16 family physician.

59 17 (d) The pregnancy is the result of incest which is
59 18 reported within 150 days of the incident to a law enforcement
59 19 agency or public or private health agency which may include a
59 20 family physician.

59 21 (e) The abortion is a spontaneous abortion, commonly known
59 22 as a miscarriage, wherein not all of the products of
59 23 conception are expelled.

59 24 The total quota allocated to the counties for indigent
59 25 patients for the fiscal year beginning July 1, 2004, shall not
59 26 be lower than the total quota allocated to the counties for
59 27 the fiscal year commencing July 1, 1998. The total quota
59 28 shall be allocated among the counties on the basis of the 2000
59 29 census pursuant to section 255.16.

59 30 The university of Iowa hospitals and clinics, in
59 31 cooperation with the department of corrections, shall study
59 32 the utilization of the indigent patient care program by
59 33 department of corrections' inmates and shall submit a report
59 34 to the governor and the general assembly on or before January
59 35 1, 2005, regarding recommendations to improve the efficiency
60 1 and cost-effectiveness of the care provided to the inmates.

60 2 c. Psychiatric hospital

60 3 For salaries, support, maintenance, equipment,
60 4 miscellaneous purposes, for the care, treatment, and
60 5 maintenance of committed and voluntary public patients, and
60 6 for not more than the following full-time equivalent
60 7 positions:

60 8 \$ 7,043,056
60 9 FTEs 272.11

60 10 d. Center for disabilities and development

60 11 For salaries, support, maintenance, miscellaneous purposes,
60 12 and for not more than the following full-time equivalent
60 13 positions:

60 14 \$ 6,363,265
60 15 FTEs 143.34

60 16 From the funds appropriated in this lettered paragraph,
60 17 \$200,000 shall be allocated for purposes of the employment
60 18 policy group.

60 19 e. Oakdale campus

60 20 For salaries, support, maintenance, miscellaneous purposes,
60 21 and for not more than the following full-time equivalent
60 22 positions:

60 23 \$ 2,657,335
60 24 FTEs 43.25

60 25 f. State hygienic laboratory

60 26 For salaries, support, maintenance, miscellaneous purposes,
60 27 and for not more than the following full-time equivalent
60 28 positions:

60 29 \$ 3,802,520
60 30 FTEs 102.49

60 31 g. Family practice program

60 32 For allocation by the dean of the college of medicine, with
60 33 approval of the advisory board, to qualified participants, to
60 34 carry out chapter 148D for the family practice program,
60 35 including salaries and support, and for not more than the

61 1 following full=time equivalent positions:
 61 2 \$ 2,075,948
 61 3 FTEs 192.40
 61 4 h. Child health care services
 61 5 For specialized child health care services, including
 61 6 childhood cancer diagnostic and treatment network programs,
 61 7 rural comprehensive care for hemophilia patients, and the Iowa
 61 8 high-risk infant follow-up program, including salaries and
 61 9 support, and for not more than the following full=time
 61 10 equivalent positions:
 61 11 \$ 649,066
 61 12 FTEs 53.46
 61 13 i. Statewide cancer registry
 61 14 For the statewide cancer registry, and for not more than
 61 15 the following full=time equivalent positions:
 61 16 \$ 178,739
 61 17 FTEs 2.40
 61 18 j. Substance abuse consortium
 61 19 For funds to be allocated to the Iowa consortium for
 61 20 substance abuse research and evaluation, and for not more than
 61 21 the following full=time equivalent positions:
 61 22 \$ 64,871
 61 23 FTEs 1.50
 61 24 k. Center for biocatalysis
 61 25 For the center for biocatalysis, and for not more than the
 61 26 following full=time equivalent positions:
 61 27 \$ 881,384
 61 28 FTEs 5.20
 61 29 l. Primary health care initiative
 61 30 For the primary health care initiative in the college of
 61 31 medicine and for not more than the following full=time
 61 32 equivalent positions:
 61 33 \$ 759,875
 61 34 FTEs 7.75
 61 35 From the funds appropriated in this lettered paragraph,
 62 1 \$330,000 shall be allocated to the department of family
 62 2 practice at the state university of Iowa college of medicine
 62 3 for family practice faculty and support staff.
 62 4 m. Birth defects registry
 62 5 For the birth defects registry and for not more than the
 62 6 following full=time equivalent positions:
 62 7 \$ 44,636
 62 8 FTEs 1.30
 62 9 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
 62 10 a. General university
 62 11 For salaries, support, maintenance, equipment,
 62 12 miscellaneous purposes, and for not more than the following
 62 13 full=time equivalent positions:
 62 14 \$173,189,751
 62 15 FTEs 3,647.42
 62 16 It is the intent of the general assembly that the
 62 17 university continue progress on the center for excellence in
 62 18 fundamental plant sciences. From the funds appropriated in
 62 19 this lettered paragraph, the university may use up to
 62 20 \$4,670,000 for the center for excellence in fundamental plant
 62 21 sciences.
 62 22 b. Agricultural experiment station
 62 23 For salaries, support, maintenance, miscellaneous purposes,
 62 24 and for not more than the following full=time equivalent
 62 25 positions:
 62 26 \$ 31,019,520
 62 27 FTEs 546.98
 62 28 c. Cooperative extension service in agriculture and home
 62 29 economics
 62 30 For salaries, support, maintenance, miscellaneous purposes,
 62 31 and for not more than the following full=time equivalent
 62 32 positions:
 62 33 \$ 19,738,432
 62 34 FTEs 383.34
 62 35 d. Leopold center
 63 1 For agricultural research grants at Iowa state university
 63 2 under section 266.39B, and for not more than the following
 63 3 full=time equivalent positions:
 63 4 \$ 464,319
 63 5 FTEs 11.25
 63 6 e. Livestock disease research
 63 7 For deposit in and the use of the livestock disease
 63 8 research fund under section 267.8:
 63 9 \$ 220,708
 63 10 4. UNIVERSITY OF NORTHERN IOWA
 63 11 a. General university

63 12 For salaries, support, maintenance, equipment,
 63 13 miscellaneous purposes, and for not more than the following
 63 14 full-time equivalent positions:
 63 15 \$ 77,804,507
 63 16 FTEs 1,398.01
 63 17 It is the intent of the general assembly that the
 63 18 university continue progress on the implementation of a
 63 19 masters in social work program. From the funds appropriated
 63 20 in this lettered paragraph, the university may use up to
 63 21 \$450,000 for the implementation of the masters in social work
 63 22 program, up to \$100,000 for the roadside vegetation project,
 63 23 and up to \$200,000 for the Iowa office for staff development.
 63 24 b. Recycling and reuse center
 63 25 For purposes of the recycling and reuse center, and for not
 63 26 more than the following full-time equivalent positions:
 63 27 \$ 211,858
 63 28 FTEs 3.00
 63 29 5. STATE SCHOOL FOR THE DEAF
 63 30 For salaries, support, maintenance, miscellaneous purposes,
 63 31 and for not more than the following full-time equivalent
 63 32 positions:
 63 33 \$ 8,468,249
 63 34 FTEs 126.60
 63 35 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
 64 1 For salaries, support, maintenance, miscellaneous purposes,
 64 2 and for not more than the following full-time equivalent
 64 3 positions:
 64 4 \$ 4,737,675
 64 5 FTEs 81.00
 64 6 7. TUITION AND TRANSPORTATION COSTS
 64 7 For payment to local school boards for the tuition and
 64 8 transportation costs of students residing in the Iowa braille
 64 9 and sight saving school and the state school for the deaf
 64 10 pursuant to section 262.43 and for payment of certain
 64 11 clothing, prescription, and transportation costs for students
 64 12 at these schools pursuant to section 270.5:
 64 13 \$ 15,020
 64 14 Sec. 87. MEDICAL ASSISTANCE == SUPPLEMENTAL AMOUNTS. For
 64 15 the fiscal year beginning July 1, 2004, and ending June 30,
 64 16 2005, the department of human services shall continue the
 64 17 supplemental disproportionate share and a supplemental
 64 18 indirect medical education adjustment applicable to state=
 64 19 owned acute care hospitals with more than 500 beds and shall
 64 20 reimburse qualifying hospitals pursuant to that adjustment
 64 21 with a supplemental amount for services provided medical
 64 22 assistance recipients. The adjustment shall generate
 64 23 supplemental payments intended to equal the state
 64 24 appropriation made to a qualifying hospital for treatment of
 64 25 indigent patients as provided in chapter 255. To the extent
 64 26 of the supplemental payments, a qualifying hospital shall,
 64 27 after receipt of the funds, transfer to the department of
 64 28 human services an amount equal to the actual supplemental
 64 29 payments that were made in that month. The aggregate amounts
 64 30 for the fiscal year shall not exceed the state appropriation
 64 31 made to the qualifying hospital for treatment of indigent
 64 32 patients as provided in chapter 255. The department of human
 64 33 services shall deposit these funds in the department's medical
 64 34 assistance account. To the extent that state funds
 64 35 appropriated to a qualifying hospital for the treatment of
 65 1 indigent patients as provided in chapter 255 have been
 65 2 transferred to the department of human services as a result of
 65 3 these supplemental payments made to the qualifying hospital,
 65 4 the department shall not, directly or indirectly, recoup the
 65 5 supplemental payments made to a qualifying hospital for any
 65 6 reason, unless an equivalent amount of the funds transferred
 65 7 to the department of human services by a qualifying hospital
 65 8 pursuant to this provision is transferred to the qualifying
 65 9 hospital by the department.
 65 10 If the state supplemental amount allotted to the state of
 65 11 Iowa for the federal fiscal year beginning October 1, 2004,
 65 12 and ending September 30, 2005, pursuant to section 1923(f)(3)
 65 13 of the federal Social Security Act, as amended, or pursuant to
 65 14 federal payments for indirect medical education is greater
 65 15 than the amount necessary to fund the federal share of the
 65 16 supplemental payments specified in the preceding paragraph,
 65 17 the department of human services shall increase the
 65 18 supplemental disproportionate share or supplemental indirect
 65 19 medical education adjustment by the lesser of the amount
 65 20 necessary to utilize fully the state supplemental amount or
 65 21 the amount of state funds appropriated to the state university
 65 22 of Iowa general education fund and allocated to the university

65 23 for the college of medicine. The state university of Iowa
65 24 shall transfer from the allocation for the college of medicine
65 25 to the department of human services, on a monthly basis, an
65 26 amount equal to the additional supplemental payments made
65 27 during the previous month pursuant to this paragraph. A
65 28 qualifying hospital receiving supplemental payments pursuant
65 29 to this paragraph that are greater than the state
65 30 appropriation made to the qualifying hospital for treatment of
65 31 indigent patients as provided in chapter 255 shall be
65 32 obligated as a condition of its participation in the medical
65 33 assistance program to transfer to the state university of Iowa
65 34 general education fund on a monthly basis an amount equal to
65 35 the funds transferred by the state university of Iowa to the
66 1 department of human services. To the extent that state funds
66 2 appropriated to the state university of Iowa and allocated to
66 3 the college of medicine have been transferred to the
66 4 department of human services as a result of these supplemental
66 5 payments made to the qualifying hospital, the department shall
66 6 not, directly or indirectly, recoup these supplemental
66 7 payments made to a qualifying hospital for any reason, unless
66 8 an equivalent amount of the funds transferred to the
66 9 department of human services by the state university of Iowa
66 10 pursuant to this paragraph is transferred to the qualifying
66 11 hospital by the department.

66 12 Continuation of the supplemental disproportionate share and
66 13 supplemental indirect medical education adjustment shall
66 14 preserve the funds available to the university hospital for
66 15 medical and surgical treatment of indigent patients as
66 16 provided in chapter 255 and to the state university of Iowa
66 17 for educational purposes at the same level as provided by the
66 18 state funds initially appropriated for that purpose.

66 19 The department of human services shall, in any compilation
66 20 of data or other report distributed to the public concerning
66 21 payments to providers under the medical assistance program,
66 22 set forth reimbursements to a qualifying hospital through the
66 23 supplemental disproportionate share and supplemental indirect
66 24 medical education adjustment as a separate item and shall not
66 25 include such payments in the amounts otherwise reported as the
66 26 reimbursement to a qualifying hospital for services to medical
66 27 assistance recipients.

66 28 For purposes of this section, "supplemental payment" means
66 29 a supplemental payment amount paid for medical assistance to a
66 30 hospital qualifying for that payment under this section.

66 31 Sec. 88. For the fiscal year beginning July 1, 2004, and
66 32 ending June 30, 2005, the state board of regents may use
66 33 notes, bonds, or other evidences of indebtedness issued under
66 34 section 262.48 to finance projects that will result in energy
66 35 cost savings in an amount that will cause the state board to
67 1 recover the cost of the projects within an average of six
67 2 years.

67 3 Sec. 89. Notwithstanding section 270.7, the department of
67 4 administrative services shall pay the state school for the
67 5 deaf and the Iowa braille and sight saving school the moneys
67 6 collected from the counties during the fiscal year beginning
67 7 July 1, 2004, for expenses relating to prescription drug costs
67 8 for students attending the state school for the deaf and the
67 9 Iowa braille and sight saving school.

67 10 Sec. 90. Section 256.44, subsection 7, Code 2003, is
67 11 amended to read as follows:

67 12 7. The department shall prorate the amount of the annual
67 13 awards paid in accordance with this section when the number of
67 14 award recipients exceeds one thousand one hundred individuals.
67 15 The department may prorate the amount of an annual award when
67 16 a teacher who meets the qualifications of subsection 1 is
67 17 employed on a less than full-time basis by a school district.
67 18 The state board shall adopt rules under chapter 17A
67 19 establishing criteria for the proration of annual awards.

67 20 Sec. 91. Section 261.19, subsection 2, Code 2003, is
67 21 amended to read as follows:

67 22 2. a. Notwithstanding the administration provisions of
67 23 subsection 1, the forgivable loan program established pursuant
67 24 to subsection 1 shall be administered by the commission in
67 25 conjunction with Des Moines university. Des Moines university
67 26 shall match on an equal basis state aid appropriated for
67 27 purposes of the forgivable loan program.

67 28 b. Des Moines university shall provide recommendations to
67 29 the commission for students who meet the eligibility
67 30 requirements of the forgivable loan program. A forgivable
67 31 loan may be awarded to a resident of Iowa who is enrolled at
67 32 Des Moines university == osteopathic medical center if the
67 33 student agrees to practice in this state for a period of time

67 34 to be determined by the commission at the time the loan is
67 35 awarded. Forgivable loans to eligible students shall not
68 1 become due until after the student completes a residency
68 2 program. Interest on the loans shall begin to accrue the day
68 3 following the student's graduation date. If the student
68 4 completes the period of practice established by the commission
68 5 and agreed to by the student, the loan amount shall be
68 6 forgiven. The loan amount shall not be forgiven if the
68 7 osteopathic physician fails to complete the required time
68 8 period of practice in this state or fails to satisfactorily
68 9 continue in the university's program of medical education.
68 10 Sec. 92. Section 257B.1B, subsection 1, Code 2003, is
68 11 amended to read as follows:
68 12 1. Fifty-five percent of the moneys deposited in the fund
68 13 to the department of education for allocation to the reading
68 14 recovery center to assist school districts in developing
68 15 reading recovery programs. ~~From the moneys allocated in this~~
68 16 ~~subsection, one hundred thousand dollars shall be distributed~~
68 17 ~~to the reading recovery center, and the remaining balance~~
68 18 ~~shall be distributed to the area education agencies in the~~
68 19 ~~proportion that the number of children who are eligible for~~
68 20 ~~free or reduced price meals under the federal National School~~
68 21 ~~Lunch Act and the federal Child Nutrition Act of 1966, 42~~
68 22 ~~U.S.C. } 1751--1785, in the basic enrollment of grades one~~
68 23 ~~through six in the area served by an agency, bears to the sum~~
68 24 ~~of the number of children who are eligible for free or reduced~~
68 25 ~~price meals under the federal National School Lunch Act and~~
68 26 ~~the federal Child Nutrition Act of 1966, 42 U.S.C. }~~
68 27 ~~1751--1785, in the basic enrollments of grades one through six~~
68 28 ~~in all of the areas served by area education agencies in the~~
68 29 ~~state for the budget year.~~
68 30 Sec. 93. Section 261.25, subsections 1, 2, and 3, Code
68 31 Supplement 2003, are amended to read as follows:
68 32 1. There is appropriated from the general fund of the
68 33 state to the commission for each fiscal year the sum of ~~forty=~~
68 34 ~~six forty=seven million four one hundred seventeen fifty=seven~~
68 35 ~~thousand nine five hundred sixty=four fifteen~~ dollars for
69 1 tuition grants. From the funds appropriated in this
69 2 subsection, not more than three million four hundred thousand
69 3 dollars may be distributed to private institutions whose
69 4 income is not exempt from taxation under section 501(c) of the
69 5 Internal Revenue Code and whose students were eligible to
69 6 receive Iowa tuition grant moneys in the fiscal year beginning
69 7 July 1, 2003.
69 8 2. There is appropriated from the general fund of the
69 9 state to the commission for each fiscal year the sum of four
69 10 hundred ~~seventy=seven sixty=five~~ thousand one hundred ~~three~~
69 11 ~~seventy=five~~ dollars for scholarships.
69 12 3. There is appropriated from the general fund of the
69 13 state to the commission for each fiscal year the sum of two
69 14 million ~~three five~~ hundred ~~seventy=five thirty=three~~ thousand
69 15 ~~six one~~ hundred ~~fifty=seven fifteen~~ dollars for vocational=
69 16 technical tuition grants.
69 17 Sec. 94. Section 279.20, Code 2003, is amended to read as
69 18 follows:
69 19 279.20 SUPERINTENDENT == TERM.
69 20 1. The board of directors of a school district may employ
69 21 a superintendent of schools for a term of not to exceed three
69 22 years. However, the board's initial contract with a
69 23 superintendent shall not exceed one year if the board is
69 24 obligated to pay a former superintendent under an unexpired
69 25 contract. The superintendent shall be the executive officer
69 26 of the board and have such powers and duties as may be
69 27 prescribed by rules adopted by the board or by law. Boards of
69 28 directors may jointly exercise the powers conferred by this
69 29 section.
69 30 2. The board of directors of a school district may
69 31 delegate the authority to hire support personnel and sign the
69 32 support personnel employment contracts, if applicable, if the
69 33 board adopts a policy authorizing the superintendent to
69 34 perform such duties and specifying the positions the
69 35 superintendent is authorized to fill. For purposes of this
70 1 subsection, the term "support personnel" includes, but is not
70 2 limited to, bus drivers, custodians, educational associates,
70 3 and clerical and food service employees.
70 4 Sec. 95. Section 284.10, subsection 3, Code Supplement
70 5 2003, is amended by striking the subsection.
70 6 Sec. 96. Section 284.10, subsection 6, Code Supplement
70 7 2003, is amended to read as follows:
70 8 6. By July 1, ~~2005~~ 2006, the director shall develop and
70 9 implement an evaluator training certification renewal program

70 10 for administrators and other practitioners who need to renew a
70 11 certificate issued pursuant to this section.

70 12 Sec. 97. Section 284.13, subsection 1, paragraphs b, c, d,
70 13 and e, Code Supplement 2003, are amended to read as follows:

70 14 b. For the fiscal year beginning July 1, ~~2003~~ 2004, and
70 15 ending June 30, ~~2004~~ 2005, to the department of education, the
70 16 amount of ~~seven~~ one million one hundred thousand dollars for
70 17 the issuance of national board certification awards in
70 18 accordance with section 256.44.

70 19 c. For the fiscal year beginning July 1, ~~2003~~ 2004, and
70 20 succeeding fiscal years, an amount up to ~~four~~ three million
70 21 ~~two~~ five hundred thousand dollars for first-year and second=
70 22 year beginning teachers, to the department of education for
70 23 distribution to school districts for purposes of the beginning
70 24 teacher mentoring and induction programs. A school district
70 25 shall receive one thousand three hundred dollars per beginning
70 26 teacher participating in the program. If the funds
70 27 appropriated for the program are insufficient to pay mentors
70 28 and school districts as provided in this paragraph, the
70 29 department shall prorate the amount distributed to school
70 30 districts based upon the amount appropriated. Moneys received
70 31 by a school district pursuant to this paragraph shall be
70 32 expended to provide each mentor with an award of five hundred
70 33 dollars per semester, at a minimum, for participation in the
70 34 school district's beginning teacher mentoring and induction
70 35 program; to implement the plan; and to pay any applicable
71 1 costs of the employer's share of contributions to federal
71 2 social security and the Iowa public employees' retirement
71 3 system or a pension and annuity retirement system established
71 4 under chapter 294, for such amounts paid by the district.

71 5 d. For the fiscal year beginning July 1, 2003, and ending
71 6 June 30, 2004, up to one million dollars to the department of
71 7 education for purposes of ~~establishing~~ maintaining the
71 8 evaluator training program, ~~including but not limited to an~~
~~71 9 evaluation process; the training of providers; development of~~
~~71 10 a provider approval process; training materials and costs; for~~
~~71 11 payment to practitioners under section 284.10, subsection 3,~~
~~71 12 and to pay any applicable costs of the employer's share of~~
~~71 13 contributions to federal social security and the Iowa public~~
~~71 14 employees' retirement system or a pension and annuity~~
~~71 15 retirement system established under chapter 294, for such~~
~~71 16 amounts paid by the district; and for subsidies to school~~
~~71 17 districts for training costs.~~ A portion of the funds
71 18 allocated to the department for purposes of this paragraph may
71 19 be used by the department for administrative purposes.
71 20 Notwithstanding section 8.33, from the moneys allocated under
71 21 this paragraph for the fiscal year beginning July 1, 2003,
71 22 that remain unobligated or unexpended at the end of the fiscal
71 23 year, three hundred thousand dollars shall not revert but
71 24 shall remain available for expenditure to maintain the
71 25 evaluator training program, and up to five hundred thousand
71 26 dollars shall remain available to supplement moneys allocated
71 27 pursuant to paragraph "f" of this subsection.

71 28 e. For the fiscal year beginning July 1, ~~2003~~ 2004, and
71 29 ending June 30, ~~2004~~ 2005, up to ~~three~~ two hundred ~~seventy=~~
~~71 30 five~~ fifty thousand dollars to the department of education for
71 31 purposes of implementing the career development program
71 32 requirements of section 284.6, and the review panel
71 33 requirements of section 284.9. From the moneys allocated to
71 34 the department pursuant to this paragraph, not less than
71 35 seventy=five thousand dollars shall be used to administer the
72 1 ambassador to education position in accordance with section
72 2 256.45. A portion of the funds allocated to the department
72 3 for purposes of this paragraph may be used by the department
72 4 for administrative purposes. Notwithstanding section 8.33,
72 5 moneys allocated for purposes of this paragraph prior to July
72 6 1, 2004, which remain unobligated or unexpended at the end of
72 7 the fiscal year for which the moneys were appropriated, shall
72 8 remain available for expenditure for the purposes for which
72 9 they were allocated, for the fiscal year beginning July 1,
72 10 2004, and ending June 30, 2005.

72 11 Sec. 98. Section 284.13, subsection 1, Code Supplement
72 12 2003, is amended by adding the following new paragraph:

72 13 NEW PARAGRAPH. i. For the fiscal year beginning July 1,
72 14 2004, and ending June 30, 2005, moneys made available for the
72 15 purposes of implementing paragraphs "d" and "e" may be
72 16 allocated in the amounts, as determined by the department,
72 17 needed to implement the purposes of paragraphs "d" and "e".

72 18 Sec. 99. Section 294A.22, Code Supplement 2003, is amended
72 19 by adding the following new unnumbered paragraph:

72 20 NEW UNNUMBERED PARAGRAPH. If funds appropriated are

72 21 insufficient to pay phase II allocations in full, the
72 22 department of administrative services shall prorate payments
72 23 to school districts and area education agencies.
72 24 Sec. 100. EFFECTIVE DATES.
72 25 1. The provisions of this division of this Act providing
72 26 for supplemental aid for the Iowa public broadcasting division
72 27 and amending section 284.13, subsection 1, paragraphs "d" and
72 28 "e", relating to moneys carried over to the 2004=2005 fiscal
72 29 year, being deemed of immediate importance, take effect upon
72 30 enactment.

72 31 2. The section of this division of this Act, relating to a
72 32 waiver for whole-grade sharing agreement deadlines, being
72 33 deemed of immediate importance, takes effect upon enactment
72 34 and applies from the date of enactment to June 30, 2004.

72 35 DIVISION V
73 1 HEALTH AND HUMAN SERVICES
73 2 ELDER AFFAIRS

73 3 Sec. 101. DEPARTMENT OF ELDER AFFAIRS. There is
73 4 appropriated from the general fund of the state to the
73 5 department of elder affairs for the fiscal year beginning July
73 6 1, 2004, and ending June 30, 2005, the following amount, or so
73 7 much thereof as is necessary, to be used for the purposes
73 8 designated:

73 9 For aging programs for the department of elder affairs and
73 10 area agencies on aging to provide citizens of Iowa who are 60
73 11 years of age and older with case management for the frail
73 12 elderly, the retired and senior volunteer program, resident
73 13 advocate committee coordination, employment, and other
73 14 services which may include, but are not limited to, adult day
73 15 services, respite care, chore services, telephone reassurance,
73 16 information and assistance, and home repair services,
73 17 including the winterizing of homes, and for the construction
73 18 of entrance ramps which make residences accessible to the
73 19 physically handicapped, and for salaries, support,
73 20 administration, maintenance, miscellaneous purposes, and for
73 21 not more than the following full-time equivalent positions
73 22 with the department of elder affairs:

73 23 \$ 2,625,146
73 24 FTEs 26.75

73 25 1. Funds appropriated in this section may be used to
73 26 supplement federal funds under federal regulations. To
73 27 receive funds appropriated in this section, a local area
73 28 agency on aging shall match the funds with moneys from other
73 29 sources according to rules adopted by the department. Funds
73 30 appropriated in this section may be used for elderly services
73 31 not specifically enumerated in this section only if approved
73 32 by an area agency on aging for provision of the service within
73 33 the area.

73 34 2. Of the funds allocated in this section and any other
73 35 state funds allocated for aging programs of the area agencies
74 1 on aging not more than 7.5 percent of the total amount
74 2 allocated shall be used for area agencies on aging
74 3 administrative purposes.

74 4 3. Of the funds appropriated in this section, \$49,000
74 5 shall be used, in addition to any other funds appropriated in
74 6 this Act, for provision of training to resident advocate
74 7 committees for elder group homes, as defined in section
74 8 231B.1, and licensed health care facilities as defined in
74 9 section 135C.1.

74 10 4. It is the intent of the general assembly that the Iowa
74 11 chapters of the Alzheimer's association and the case
74 12 management program for the frail elderly shall collaborate and
74 13 cooperate fully to assist families in maintaining family
74 14 members with Alzheimer's disease in the community for the
74 15 longest period of time possible.

74 16 5. The department shall maintain policies and procedures
74 17 regarding Alzheimer's support and the retired and senior
74 18 volunteer program.

74 19 HEALTH

74 20 Sec. 102. DEPARTMENT OF PUBLIC HEALTH. There is
74 21 appropriated from the general fund of the state to the Iowa
74 22 department of public health for the fiscal year beginning July
74 23 1, 2004, and ending June 30, 2005, the following amounts, or
74 24 so much thereof as is necessary, to be used for the purposes
74 25 designated:

74 26 1. ADDICTIVE DISORDERS

74 27 For reducing the prevalence of use of tobacco, alcohol, and
74 28 other drugs, and treating individuals affected by addictive
74 29 behaviors, including gambling, and for not more than the
74 30 following full-time equivalent positions:

74 31 \$ 1,267,111

74 32 FTEs 15.75
74 33 a. The department shall continue to coordinate with
74 34 substance abuse treatment and prevention providers regardless
74 35 of funding source to assure the delivery of substance abuse
75 1 treatment and prevention programs.
75 2 b. The commission on substance abuse, in conjunction with
75 3 the department, shall continue to coordinate the delivery of
75 4 substance abuse services involving prevention, social and
75 5 medical detoxification, and other treatment by medical and
75 6 nonmedical providers to uninsured and court-ordered substance
75 7 abuse patients in all counties of the state.
75 8 c. The department and any grantee or subgrantee of the
75 9 department shall not discriminate against a nongovernmental
75 10 organization that provides substance abuse treatment and
75 11 prevention services or applies for funding to provide those
75 12 services on the basis that the organization has a religious
75 13 character. The department shall report to the governor and
75 14 the general assembly on or before February 1, 2005, regarding
75 15 the number of religious or other nongovernmental organizations
75 16 that applied for funds in the preceding fiscal year, the
75 17 amounts awarded to those organizations, and the basis for any
75 18 refusal by the department or grantee or subgrantee of the
75 19 department to award funds to any of those organizations that
75 20 applied.
75 21 2. ADULT WELLNESS
75 22 For maintaining or improving the health status of adults,
75 23 with target populations between the ages of 18 through 60, and
75 24 for not more than the following full-time equivalent
75 25 positions:
75 26 \$ 304,067
75 27 FTEs 20.85
75 28 3. CHILD AND ADOLESCENT WELLNESS
75 29 For promoting the optimum health status for children and
75 30 adolescents from birth through 21 years of age, and for not
75 31 more than the following full-time equivalent positions:
75 32 \$ 915,803
75 33 FTEs 44.10
75 34 4. CHRONIC CONDITIONS
75 35 For serving individuals identified as having chronic
76 1 conditions or special health care needs, and for not more than
76 2 the following full-time equivalent positions:
76 3 \$ 845,863
76 4 FTEs 10.00
76 5 5. COMMUNITY CAPACITY
76 6 For strengthening the health care delivery system at the
76 7 local level, and for not more than the following full-time
76 8 equivalent positions:
76 9 \$ 1,267,359
76 10 FTEs 21.60
76 11 Of the funds appropriated in this subsection, \$100,000 is
76 12 allocated for a child vision screening program implemented
76 13 through the university of Iowa hospitals and clinics in
76 14 collaboration with community empowerment areas.
76 15 6. ELDERLY WELLNESS
76 16 For optimizing the health of persons 60 years of age and
76 17 older, and for not more than the following full-time
76 18 equivalent positions:
76 19 \$ 9,233,985
76 20 FTEs 4.95
76 21 The department shall implement elderly wellness services in
76 22 a manner that ensures that the services provided are not
76 23 payable by a third-party source. The department shall submit
76 24 a report by December 1, 2004, to the persons in this division
76 25 of this Act designated to receive reports regarding the
76 26 provision of services and expenditures for the services.
76 27 7. ENVIRONMENTAL HAZARDS
76 28 For reducing the public's exposure to hazards in the
76 29 environment, primarily chemical hazards, and for not more than
76 30 the following full-time equivalent positions:
76 31 \$ 251,808
76 32 FTEs 8.30
76 33 8. INFECTIOUS DISEASES
76 34 For reducing the incidence and prevalence of communicable
76 35 diseases, and for not more than the following full-time
77 1 equivalent positions:
77 2 \$ 1,079,703
77 3 FTEs 38.25
77 4 9. INJURIES
77 5 For providing support and protection to victims of abuse or
77 6 injury, or programs that are designed to prevent abuse or
77 7 injury, and for not more than the following full-time

77 8 equivalent positions:
77 9 \$ 1,379,358
77 10 FTEs 9.10
77 11 Of the funds appropriated in this subsection, \$660,000
77 12 shall be credited to the emergency medical services fund
77 13 created in section 135.25.
77 14 10. PUBLIC PROTECTION
77 15 For protecting the health and safety of the public through
77 16 establishing standards and enforcing regulations, and for not
77 17 more than the following full-time equivalent positions:
77 18 \$ 6,598,873
77 19 FTEs 158.05
77 20 a. The department may expend funds received from licensing
77 21 fees in addition to amounts appropriated in this subsection,
77 22 if those additional expenditures are directly the result of
77 23 any unanticipated litigation or scope of practice review
77 24 committee expense. Before the department expends or encumbers
77 25 funds for a scope of practice review committee or for an
77 26 amount in excess of the funds budgeted for an examining board,
77 27 the director of the department of management shall approve the
77 28 expenditure or encumbrance. The amounts necessary to fund any
77 29 unanticipated litigation or scope of practice review committee
77 30 expense in the fiscal year beginning July 1, 2004, shall not
77 31 exceed 5 percent of the average annual fees generated by the
77 32 boards for the previous two fiscal years. The funds
77 33 authorized for expenditure pursuant to this lettered paragraph
77 34 are appropriated to the department for the purposes described
77 35 in this paragraph.
78 1 b. For the fiscal year beginning July 1, 2004, the
78 2 department shall retain fees collected from the certification
78 3 of lead inspectors and lead abaters pursuant to section
78 4 135.105A to support the certification program; and shall
78 5 retain fees collected from the licensing, registration,
78 6 authorization, accreditation, and inspection of x-ray machines
78 7 used for mammographically guided breast biopsy, screening, and
78 8 diagnostic mammography, pursuant to section 136C.10 to support
78 9 the administration of the chapter. The department may also
78 10 retain fees collected pursuant to section 136C.10 on all
78 11 shippers of radioactive material waste containers transported
78 12 across Iowa if the department does not obtain funding to
78 13 support the oversight and regulation of this activity, and for
78 14 x-ray radiology examination fees collected by the department
78 15 and reimbursed to a private organization conducting the
78 16 examination. Fees retained by the department pursuant to this
78 17 lettered paragraph are appropriated to the department for the
78 18 purposes described in this lettered paragraph.
78 19 c. The department may retain and expend not more than
78 20 \$297,961 for lease and maintenance expenses from fees
78 21 collected pursuant to section 147.80 by the board of dental
78 22 examiners, the board of pharmacy examiners, the board of
78 23 medical examiners, and the board of nursing in the fiscal year
78 24 beginning July 1, 2004, and ending June 30, 2005. Fees
78 25 retained by the department pursuant to this lettered paragraph
78 26 are appropriated to the department for the purposes described
78 27 in this lettered paragraph.
78 28 d. The department may retain and expend not more than
78 29 \$100,000 for reduction of the number of days necessary to
78 30 process medical license requests and for reduction of the
78 31 number of days needed for consideration of malpractice cases
78 32 from fees collected pursuant to section 147.80 by the board of
78 33 medical examiners in the fiscal year beginning July 1, 2004,
78 34 and ending June 30, 2005. Fees retained by the department
78 35 pursuant to this lettered paragraph are appropriated to the
79 1 department for the purposes described in this lettered
79 2 paragraph.
79 3 e. The board of dental examiners may retain and expend not
79 4 more than \$148,060 from revenues generated pursuant to section
79 5 147.80. Fees retained by the board pursuant to this lettered
79 6 paragraph are appropriated to the department to be used for
79 7 the purposes of regulating dental assistants.
79 8 f. The board of medical examiners, the board of pharmacy
79 9 examiners, the board of dental examiners, and the board of
79 10 nursing shall prepare estimates of projected receipts to be
79 11 generated by the licensing, certification, and examination
79 12 fees of each board as well as a projection of the fairly
79 13 apportioned administrative costs and rental expenses
79 14 attributable to each board. Each board shall annually review
79 15 and adjust its schedule of fees so that, as nearly as
79 16 possible, projected receipts equal projected costs.
79 17 g. The board of medical examiners, the board of pharmacy
79 18 examiners, the board of dental examiners, and the board of

79 19 nursing shall retain their individual executive officers, but
79 20 are strongly encouraged to share administrative, clerical, and
79 21 investigative staffs to the greatest extent possible. The
79 22 department shall submit a status report regarding the sharing
79 23 of staff under this paragraph to the persons designated in
79 24 this division of this Act to receive reports by December 1,
79 25 2004.

79 26 h. For the fiscal year beginning July 1, 2004, the board
79 27 of nursing may retain and expend 90 percent of the revenues
79 28 generated from any increase in licensing fees pursuant to
79 29 section 147.80 for purposes related to the state board's
79 30 duties, including but not limited to the addition of full-time
79 31 equivalent positions for program services and investigations.
79 32 Fees retained by the board pursuant to this lettered paragraph
79 33 are appropriated to the board of nursing for the purposes
79 34 described in this paragraph.

79 35 i. For the fiscal year beginning July 1, 2004, and ending
80 1 June 30, 2005, the board of pharmacy examiners may retain and
80 2 expend 90 percent of the revenues generated from any increase
80 3 after July 1, 2004, in licensing fees pursuant to sections
80 4 124.301 and 147.80, and chapter 155A, for purposes related to
80 5 the state board's duties, including but not limited to the
80 6 addition of full-time equivalent positions. Fees retained by
80 7 the board pursuant to this lettered paragraph are appropriated
80 8 to the board of pharmacy examiners for the purposes described
80 9 in this lettered paragraph.

80 10 11. RESOURCE MANAGEMENT

80 11 For establishing and sustaining the overall ability of the
80 12 department to deliver services to the public, and for not more
80 13 than the following full-time equivalent positions:

80 14 \$ 680,707
80 15 FTEs 47.30

80 16 12. The university of Iowa hospitals and clinics under the
80 17 control of the state board of regents shall not receive
80 18 indirect costs from the funds appropriated in this section.

80 19 13. A local health care provider or nonprofit health care
80 20 organization seeking grant moneys administered by the Iowa
80 21 department of public health shall provide documentation that
80 22 the provider or organization has coordinated its services with
80 23 other local entities providing similar services.

80 24 14. a. The department shall apply for available federal
80 25 funds for sexual abstinence education programs.

80 26 b. It is the intent of the general assembly to comply with
80 27 the United States Congress' intent to provide education that
80 28 promotes abstinence from sexual activity outside of marriage
80 29 and reduces pregnancies, by focusing efforts on those persons
80 30 most likely to father and bear children out of wedlock.

80 31 c. Any sexual abstinence education program awarded moneys
80 32 under the grant program shall meet the definition of
80 33 abstinence education in the federal law. Grantees shall be
80 34 evaluated based upon the extent to which the abstinence
80 35 program successfully communicates the goals set forth in the
81 1 federal law.

81 2 d. It is the intent of the general assembly that the Iowa
81 3 department of public health and the department of human
81 4 services shall coordinate programs regarding pregnancy
81 5 prevention to the greatest extent possible.

81 6 Sec. 103. GAMBLING TREATMENT FUND == APPROPRIATION.

81 7 1. There is appropriated from funds available in the
81 8 gambling treatment fund established in the office of the
81 9 treasurer of state to the Iowa department of public health for
81 10 the fiscal year beginning July 1, 2004, and ending June 30,
81 11 2005, the following amount, or so much thereof as is
81 12 necessary, to be used for the purpose designated:

81 13 a. Addictive disorders

81 14 To be utilized for the benefit of persons with addictions:

81 15 \$ 1,690,000

81 16 The appropriation made in this paragraph shall be made from
81 17 proceeds credited to the gambling treatment fund due to an
81 18 increase in the percentage of gambling proceeds credited to
81 19 the gambling treatment fund if any enactment of legislation by
81 20 the 2004 Eightieth General Assembly in the Regular or
81 21 Extraordinary Legislative Session increases the percentage of
81 22 gambling proceeds credited to the gambling treatment fund.

81 23 It is the intent of the general assembly that from the
81 24 moneys appropriated in this section, persons with a dual
81 25 diagnosis of substance abuse and gambling addictions shall be
81 26 given priority in treatment services.

81 27 b. Gambling treatment program

81 28 The funds in the gambling treatment fund after the
81 29 appropriation in paragraph "a" is made are appropriated and

81 30 shall be used for funding of administrative costs and to
81 31 provide programs which may include, but are not limited to,
81 32 outpatient and follow-up treatment for persons affected by
81 33 problem gambling, rehabilitation and residential treatment
81 34 programs, information and referral services, education and
81 35 preventive services, and financial management services.
82 1 2. Unless legislation enacted by the Eightieth General
82 2 Assembly in 2004 otherwise provides for the deposit of tax
82 3 revenue received by the state racing and gaming commission
82 4 pursuant to section 99D.15 in the gambling treatment fund, for
82 5 the fiscal year beginning July 1, 2004, and ending June 30,
82 6 2005, from the tax revenue received by the state racing and
82 7 gaming commission pursuant to section 99D.15, subsections 1,
82 8 3, and 4, an amount equal to three-tenths of one percent of
82 9 the gross sum wagered by the pari-mutuel method is to be
82 10 deposited into the gambling treatment fund.

82 11 Sec. 104. VITAL RECORDS. The vital records modernization
82 12 project as enacted in 1993 Iowa Acts, chapter 55, section 1,
82 13 as amended by 1994 Iowa Acts, chapter 1068, section 8, as
82 14 amended by 1997 Iowa Acts, chapter 203, section 9, 1998 Iowa
82 15 Acts, chapter 1221, section 9, and 1999 Iowa Acts, chapter
82 16 201, section 17, and as continued by 2000 Iowa Acts, chapter
82 17 1222, section 10, 2001 Iowa Acts, chapter 182, section 13,
82 18 2002 Iowa Acts, Second Extraordinary Session, chapter 1003,
82 19 section 104, and 2003 Iowa Acts, chapter 175, section 4, shall
82 20 be extended until June 30, 2005, and the increased fees to be
82 21 collected pursuant to that project shall continue to be
82 22 collected and are appropriated to the Iowa department of
82 23 public health until June 30, 2005. The department shall
82 24 submit a report to the persons designated by this Act to
82 25 receive reports no later than September 1, 2004, concerning
82 26 the status of the modernization project, the fees collected,
82 27 and a target date for the project's completion.

82 28 Sec. 105. SCOPE OF PRACTICE REVIEW PROJECT. The scope of
82 29 practice review committee pilot project as enacted in 1997
82 30 Iowa Acts, chapter 203, section 6, as continued by 2002 Iowa
82 31 Acts, Second Extraordinary Session, chapter 1003, section 107,
82 32 and 2003 Iowa Acts, chapter 175, section 5, shall be extended
82 33 until June 30, 2005. The Iowa department of public health
82 34 shall submit an annual progress report to the governor and the
82 35 general assembly by January 15 and shall include any
83 1 recommendations for legislative action as a result of review
83 2 committee activities. The department may contract with a
83 3 school or college of public health in Iowa to assist in
83 4 implementing the project.

83 5 Sec. 106. AIDS DRUG ASSISTANCE PROGRAM. The Iowa
83 6 department of public health and the department of human
83 7 services shall collaborate to identify funding within the
83 8 funds available for the fiscal year beginning July 1, 2004, to
83 9 use in leveraging the maximum amount of federal funding
83 10 through the federal Ryan White Care Act, Title II, AIDS drug
83 11 assistance program for AIDS drug assistance program
83 12 supplemental drug treatment grants. The Iowa department of
83 13 public health shall submit a report regarding the results of
83 14 this directive to the persons specified in this Act to receive
83 15 reports.

83 16 Sec. 107. TOBACCO USE PREVENTION AND CONTROL ==
83 17 ADMINISTRATOR. The director of the Iowa department of public
83 18 health shall employ a division administrator for the division
83 19 of tobacco use prevention and control as a full-time
83 20 equivalent position with a salary commensurate with the full-
83 21 time position.

83 22 Sec. 108. LEGISLATIVE INTENT == THE STATE OF IOWA, A
83 23 HEALTHY COMMUNITY.

83 24 1. It is the intent of the general assembly that state
83 25 agencies, local communities, and individuals begin exploring
83 26 strategies and partnerships to create a statewide community
83 27 network that supports health promotion, prevention, and
83 28 chronic disease management.

83 29 2. It is the expectation of the general assembly that such
83 30 strategies and partnerships will energize local communities to
83 31 transform their cultures into those which promote healthy
83 32 lifestyles and which, collectively, transform the state of
83 33 Iowa into one healthy community.

83 34 COMMISSION OF VETERANS AFFAIRS

83 35 Sec. 109. COMMISSION OF VETERANS AFFAIRS. There is
84 1 appropriated from the general fund of the state to the
84 2 commission of veterans affairs for the fiscal year beginning
84 3 July 1, 2004, and ending June 30, 2005, the following amounts,
84 4 or so much thereof as is necessary, to be used for the
84 5 purposes designated:

84 6 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION
 84 7 For salaries, support, maintenance, miscellaneous purposes,
 84 8 including the war orphans educational aid fund established
 84 9 pursuant to chapter 35, and for not more than the following
 84 10 full-time equivalent positions:
 84 11 \$ 293,971
 84 12 FTEs 4.00
 84 13 Of the funds appropriated in this subsection, \$100,000
 84 14 shall be used by the commission to contract with the
 84 15 department of elder affairs to utilize local veterans affairs
 84 16 commissions and the retired senior volunteers program to
 84 17 increase the utilization by eligible individuals of benefits
 84 18 available through the federal department of veterans affairs.
 84 19 The commission of veterans affairs may use the gifts
 84 20 accepted by the chairperson of the commission of veterans
 84 21 affairs, or designee, and other resources available to the
 84 22 commission for use at its Camp Dodge office. The commission
 84 23 shall report annually to the governor and the general assembly
 84 24 on monetary gifts received by the commission for the Camp
 84 25 Dodge office.
 84 26 2. IOWA VETERANS HOME
 84 27 For salaries, support, maintenance, miscellaneous purposes,
 84 28 and for not more than the following full-time equivalent
 84 29 positions:
 84 30 \$ 16,189,139
 84 31 FTEs 843.50
 84 32 a. The Iowa veterans home may use the gifts accepted by
 84 33 the chairperson of the commission of veterans affairs and
 84 34 other resources available to the commission for use at the
 84 35 Iowa veterans home.
 85 1 b. Any Iowa veterans home successor contractor shall not
 85 2 consider employees of a state institution or facility to be
 85 3 new employees for purposes of employee wages, health
 85 4 insurance, or retirement benefits.
 85 5 c. The chairpersons and ranking members of the joint
 85 6 appropriations subcommittee on health and human services shall
 85 7 be notified by January 15 of any calendar year during which a
 85 8 request for proposals is anticipated to be issued regarding
 85 9 any Iowa veterans home contract involving employment, for
 85 10 purposes of providing legislative review and oversight.
 85 11 d. The Iowa veterans home shall operate with a net state
 85 12 general fund appropriation. The amount appropriated in this
 85 13 subsection is the net amount of state moneys projected to be
 85 14 needed for the Iowa veterans home. The purposes of operating
 85 15 with a net state general fund appropriation are to encourage
 85 16 the Iowa veterans home to operate with increased self=
 85 17 sufficiency, to improve quality and efficiency, and to support
 85 18 collaborative efforts among all funders of services available
 85 19 from the Iowa veterans home. Moneys appropriated in this
 85 20 subsection may be used throughout the fiscal year in the
 85 21 manner necessary for purposes of cash flow management, and for
 85 22 purposes of cash flow management the Iowa veterans home may
 85 23 temporarily draw more than the amount appropriated, provided
 85 24 the amount appropriated is not exceeded at the close of the
 85 25 fiscal year.
 85 26 e. Revenues attributable to the Iowa veterans home for the
 85 27 fiscal year beginning July 1, 2004, shall be deposited into
 85 28 the Iowa veterans home account and shall be treated as
 85 29 repayment receipts, including but not limited to all of the
 85 30 following:
 85 31 (1) Federal veterans administration payments.
 85 32 (2) Medical assistance revenue received under chapter
 85 33 249A.
 85 34 (3) Federal Medicare program payments.
 85 35 (4) Moneys received from client financial participation.
 86 1 (5) Other revenues generated from current, new, or
 86 2 expanded services which the Iowa veterans home is authorized
 86 3 to provide.
 86 4 f. For the purposes of allocating the salary adjustment
 86 5 fund moneys appropriated in another Act, the Iowa veterans
 86 6 home shall be considered to be funded entirely with state
 86 7 moneys.
 86 8 g. Notwithstanding section 8.33, up to \$500,000 of the
 86 9 Iowa veterans home revenues that remain unencumbered or
 86 10 unobligated at the close of the fiscal year shall not revert
 86 11 but shall remain available to be used in the succeeding fiscal
 86 12 year.
 86 13 HUMAN SERVICES
 86 14 Sec. 110. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
 86 15 GRANT. There is appropriated from the fund created in section
 86 16 8.41 to the department of human services for the fiscal year

beginning July 1, 2004, and ending June 30, 2005, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, which are federally appropriated for the federal fiscal years beginning October 1, 2003, and ending September 30, 2004, and beginning October 1, 2004, and ending September 30, 2005, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

If the total amount of federal government appropriations received for Iowa's portion of the TANF block grant amounts for the federal fiscal years beginning October 1, 2003, and ending September 30, 2004, and beginning October 1, 2004, and ending September 30, 2005, is less than \$131,524,959, it is the intent of the general assembly to act expeditiously during the 2005 legislative session to adjust appropriations or take other actions to address the reduced amount. Moneys appropriated in this section shall be used in accordance with the federal law making the funds available, applicable Iowa law, appropriations made from the general fund of the state in this Act for the purpose designated, and administrative rules adopted to implement the federal and Iowa law:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 45,277,569

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program, and implementing family investment agreements, in accordance with chapter 239B:

..... \$ 13,412,794

3. For field operations:

..... \$ 16,280,254

4. For general administration:

..... \$ 3,660,030

5. For local administrative costs:

..... \$ 2,136,565

6. For state child care assistance:

..... \$ 18,073,746

a. Of the funds appropriated in this subsection, \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. Of the funds appropriated in this subsection, the maximum amount allowed under Pub. L. No. 104-193 and successor legislation shall be transferred to the child care and development block grant appropriation. Funds appropriated in this subsection that remain following the transfer shall be used to provide direct spending for the child care needs of working parents in families eligible for the family investment program.

7. For mental health and developmental disabilities community services:

..... \$ 4,500,610

8. For child and family services:

..... \$ 33,475,728

9. For child abuse prevention grants:

..... \$ 250,000

10. For pregnancy prevention grants on the condition that family planning services are funded:

..... \$ 2,514,413

a. If the department receives approval of a waiver from the centers for Medicare and Medicaid services of the United States department of health and human services to provide family planning services, of the amount appropriated in this subsection, \$533,580 shall be transferred to the appropriation in this Act for child and family services.

b. Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2004, if the programs are comprehensive in scope and have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2004, if the programs are comprehensive in scope and are based on existing models that have demonstrated positive outcomes.

88 28 Grants shall comply with the requirements provided in 1997
88 29 Iowa Acts, chapter 208, section 14, subsections 1 and 2,
88 30 including the requirement that grant programs must emphasize
88 31 sexual abstinence. Priority in the awarding of grants shall
88 32 be given to programs that serve areas of the state which
88 33 demonstrate the highest percentage of unplanned pregnancies of
88 34 females age 13 or older but younger than age 18 within the
88 35 geographic area to be served by the grant.

89 1 c. In addition to the full-time equivalent positions
89 2 funded in this Act, the department may use a portion of the
89 3 funds appropriated in this subsection to employ up to an
89 4 additional 1.00 FTE for the administration of programs
89 5 specified in this subsection.

89 6 11. For technology needs and other resources necessary to
89 7 meet federal welfare reform reporting, tracking, and case
89 8 management requirements:

89 9 \$ 1,037,186

89 10 12. For the healthy opportunities for parents to
89 11 experience success (HOPES) program administered by the Iowa
89 12 department of public health to target child abuse prevention:

89 13 \$ 200,000

89 14 13. To be credited to the state child care assistance
89 15 appropriation made in this section to be used for funding of
89 16 community-based early childhood programs targeted to children
89 17 from birth through five years of age, developed by community
89 18 empowerment areas as provided in this subsection:

89 19 \$ 7,350,000

89 20 a. The department may transfer TANF block grant funding
89 21 appropriated and allocated in this subsection to the child
89 22 care and development block grant appropriation in accordance
89 23 with federal law as necessary to comply with the provisions of
89 24 this subsection. The funding shall then be provided to
89 25 community empowerment areas for the fiscal year beginning July
89 26 1, 2004, in accordance with all of the following:

89 27 (1) The area must be approved as a designated community
89 28 empowerment area by the Iowa empowerment board.

89 29 (2) The maximum funding amount a community empowerment
89 30 area is eligible to receive shall be determined by applying
89 31 the area's percentage of the state's average monthly family
89 32 investment program population in the preceding fiscal year to
89 33 the total amount appropriated for fiscal year 2004=2005 from
89 34 the TANF block grant to fund community-based programs targeted
89 35 to children from birth through five years of age developed by
90 1 community empowerment areas.

90 2 (3) A community empowerment area receiving funding shall
90 3 comply with any federal reporting requirements associated with
90 4 the use of that funding and other results and reporting
90 5 requirements established by the Iowa empowerment board. The
90 6 department shall provide technical assistance in identifying
90 7 and meeting the federal requirements.

90 8 (4) The availability of funding provided under this
90 9 subsection is subject to changes in federal requirements and
90 10 amendments to Iowa law.

90 11 b. The moneys distributed in accordance with this
90 12 subsection shall be used by communities for the purposes of
90 13 enhancing quality child care capacity in support of parent
90 14 capability to obtain or retain employment. The moneys shall
90 15 be used with a primary emphasis on low-income families and
90 16 children from birth to five years of age. Moneys shall be
90 17 provided in a flexible manner to communities, and shall be
90 18 used to implement strategies identified by the communities to
90 19 achieve such purposes. In addition to the full-time
90 20 equivalent positions authorized in this division of this Act,
90 21 1.00 FTE position is authorized and the department may use
90 22 funding appropriated in this subsection for provision of
90 23 technical assistance and other support to communities
90 24 developing and implementing strategies with moneys distributed
90 25 in accordance with this subsection.

90 26 c. Moneys that are subject to this subsection which are
90 27 not distributed to a community empowerment area or otherwise
90 28 remain unobligated or unexpended at the end of the fiscal year
90 29 shall revert to the fund created in section 8.41 to be
90 30 available for appropriation by the general assembly in a
90 31 subsequent fiscal year.

90 32 14. For a pilot program to be established in a judicial
90 33 district, selected by the department and the judicial council,
90 34 to provide employment and support services to delinquent child
90 35 support obligors as an alternative to commitment to jail as
91 1 punishment for contempt of court:

91 2 \$ 200,000

91 3 Of the amounts appropriated in this section, \$11,904,734

91 4 for the fiscal year beginning July 1, 2004, shall be
91 5 transferred to the appropriation of the federal social
91 6 services block grant for that fiscal year. If the federal
91 7 government revises requirements to reduce the amount that may
91 8 be transferred to the federal social services block grant, it
91 9 is the intent of the general assembly to act expeditiously
91 10 during the 2005 legislative session to adjust appropriations
91 11 or the transfer amount or take other actions to address the
91 12 reduced amount.

91 13 Eligible funding available under the TANF block grant that
91 14 is not appropriated or not otherwise expended shall be
91 15 considered reserved for economic downturns and welfare reform
91 16 purposes and is subject to further state appropriation to
91 17 support families in their movement toward self-sufficiency.

91 18 Federal funding received that is designated for activities
91 19 supporting marriage or two-parent families is appropriated to
91 20 the Iowa marriage initiative grant fund created in section
91 21 234.45.

91 22 Sec. 111. IOWA MARRIAGE INITIATIVE GRANT FUND.

91 23 1. Moneys credited to the Iowa marriage initiative grant
91 24 fund under 2003 Iowa Acts, chapter 175, section 7, subsection
91 25 15, and any other moneys credited to the fund are appropriated
91 26 to the department for the fiscal year beginning July 1, 2004,
91 27 and ending June 30, 2005, to be used in accordance with this
91 28 section.

91 29 2. The department shall establish an Iowa fatherhood and
91 30 family initiative grant program utilizing funds credited to
91 31 the Iowa marriage initiative grant fund created in section
91 32 234.45 to fund services to support fatherhood and to encourage
91 33 the formation and maintenance of two-parent families that are
91 34 secure and nurturing. The department of human services shall
91 35 adopt rules pursuant to chapter 17A to administer the grant

92 1 fund and to establish procedures for awarding of grants.
92 2 3. The program shall require that a grantee be a nonprofit
92 3 organization incorporated in this state with demonstrated
92 4 successful experience in facilitating fatherhood promotion
92 5 activities, marriage and family promotion activities, in using
92 6 media resources to promote fatherhood and marriage and family
92 7 formation, in making presentations to service or faith-based
92 8 organizations, and in raising private funding for activities
92 9 that support fatherhood, marriage, and families.

92 10 4. Preference in awarding grants may be given to those
92 11 nonprofit organizations working with faith-based groups and
92 12 those groups targeting young fathers.

92 13 5. The program activities funded by a grant shall include
92 14 but are not limited to all of the following:

92 15 a. Working with individuals who have a demonstrated
92 16 ability in working with at-risk fathers or working with those
92 17 who may solemnize marriages pursuant to section 595.10 to
92 18 utilize premarital diagnostic tools, to implement marriage
92 19 agreements developed by the individuals who may solemnize
92 20 marriages pursuant to section 595.10 that provide for an
92 21 appropriate engagement period and premarital and post marital
92 22 counseling, and to use volunteer mentors in program
92 23 activities.

92 24 b. Provision of a series of meetings sharing best
92 25 practices that encourage young fathers to fulfill their
92 26 responsibilities to the expectant mother of the child during
92 27 the pregnancy, and to the mother of the child following the
92 28 birth of the child, that promote happy and healthy marriages,
92 29 and that offer counseling to determine the father's level of
92 30 commitment to the child and the child's mother.

92 31 6. The program activities funded by a grant shall be
92 32 privately funded at no less than fifty percent of the grant
92 33 amount.

92 34 7. Grants shall be awarded in a manner that results in
92 35 provision of services throughout the state in an equal number
93 1 of urban and rural geographic areas.

93 2 8. The department shall implement the grant program so
93 3 that the initial request for proposals is issued on or before
93 4 October 1, 2004, and so that any grants are awarded on or
93 5 before January 1, 2005.

93 6 9. A grantee shall submit a quarterly financial report to
93 7 the department and to the legislative services agency and
93 8 shall be subject to an annual independent evaluation to assess
93 9 accomplishment of the purposes of the program.

93 10 10. The department shall provide a copy of the request for
93 11 proposals and shall submit a report concerning the proposals
93 12 received and grants awarded to those persons designated by
93 13 this division of this Act to receive reports.

93 14 11. The department may adopt emergency rules to implement

93 15 the provisions of this section.
 93 16 Sec. 112. FAMILY INVESTMENT PROGRAM ACCOUNT.
 93 17 1. Moneys credited to the family investment program (FIP)
 93 18 account for the fiscal year beginning July 1, 2004, and ending
 93 19 June 30, 2005, shall be used in accordance with the following
 93 20 requirements:
 93 21 a. The department of human services shall provide
 93 22 assistance in accordance with chapter 239B.
 93 23 b. The department shall continue the special needs program
 93 24 under FIP.
 93 25 c. The department shall continue to comply with federal
 93 26 welfare reform data requirements pursuant to the
 93 27 appropriations made for that purpose.
 93 28 2. The department may use a portion of the moneys credited
 93 29 to the FIP account under this section, as necessary for
 93 30 salaries, support, maintenance, and miscellaneous purposes for
 93 31 not more than the following full-time equivalent positions
 93 32 which are in addition to any other full-time equivalent
 93 33 positions authorized by this division of this Act:
 93 34 FTEs 9.98
 93 35 3. The department may transfer funds in accordance with
 94 1 section 8.39, either federal or state, to or from the child
 94 2 care appropriations made for the fiscal year beginning July 1,
 94 3 2004, if the department deems this would be a more effective
 94 4 method of paying for JOBS program child care, to maximize
 94 5 federal funding, or to meet federal maintenance of effort
 94 6 requirements.
 94 7 4. Moneys appropriated in this division of this Act and
 94 8 credited to the FIP account for the fiscal year beginning July
 94 9 1, 2004, and ending June 30, 2005, are allocated as follows:
 94 10 a. For the family development and self-sufficiency grant
 94 11 program as provided under section 217.12:
 94 12 \$ 5,133,042
 94 13 (1) Of the funds allocated for the family development and
 94 14 self-sufficiency grant program in this lettered paragraph, not
 94 15 more than 5 percent of the funds shall be used for the
 94 16 administration of the grant program.
 94 17 (2) Based upon the annual evaluation report concerning
 94 18 each grantee funded by previously appropriated funds and
 94 19 through the solicitation of additional grant proposals, the
 94 20 family development and self-sufficiency council may use the
 94 21 allocated funds to renew or expand existing grants or award
 94 22 new grants. In utilizing the funding allocated in this
 94 23 lettered paragraph, the council shall give consideration, in
 94 24 addition to other criteria established by the council, to a
 94 25 grantee's intended use of local funds with a grant and to
 94 26 whether approval of a grant proposal would expand the
 94 27 availability of the program's services.
 94 28 (3) The department may continue to implement the family
 94 29 development and self-sufficiency grant program statewide
 94 30 during FY 2004=2005.
 94 31 b. For the diversion subaccount of the FIP account:
 94 32 \$ 2,814,000
 94 33 (1) Moneys allocated to the diversion subaccount shall be
 94 34 used to implement FIP diversion statewide while continuing the
 94 35 local flexibility in program design. A family that meets
 95 1 income eligibility requirements for FIP may receive a one-time
 95 2 payment to remedy an immediate need in order to permit the
 95 3 family to maintain self-sufficiency without providing ongoing
 95 4 cash assistance. A FIP participant family may receive
 95 5 diversion assistance to overcome barriers to obtaining
 95 6 employment and to assist in stabilizing employment in order to
 95 7 increase the likelihood of the family leaving FIP more
 95 8 quickly. The department shall assess and screen individuals
 95 9 who would most likely benefit from the assistance. In
 95 10 addition to the full-time equivalent positions authorized in
 95 11 this division of this Act, 1.00 FTE is authorized for purposes
 95 12 of diversion. The department may adopt additional eligibility
 95 13 criteria as necessary for compliance with federal law and for
 95 14 screening those families who would be most likely to become
 95 15 eligible for FIP if diversion incentives would not be
 95 16 provided.
 95 17 (2) A portion of the moneys allocated for the subaccount
 95 18 may be used for field operations salaries, data management
 95 19 system development, and implementation costs and support
 95 20 deemed necessary by the director of human services in order to
 95 21 administer the FIP diversion program.
 95 22 (3) Of the funds allocated in this lettered paragraph, not
 95 23 more than \$250,000 shall be used to develop or continue
 95 24 community-level parental obligation pilot projects. The
 95 25 requirements established under 2001 Iowa Acts, chapter 191,

95 26 section 3, subsection 5, paragraph "c", subparagraph (3),
 95 27 shall remain applicable to the parental obligation pilot
 95 28 projects for fiscal year 2004=2005.
 95 29 c. For the food stamp employment and training program:
 95 30 \$ 64,278
 95 31 5. Of the child support collections assigned under FIP, an
 95 32 amount equal to the federal share of support collections shall
 95 33 be credited to the child support recovery appropriation. Of
 95 34 the remainder of the assigned child support collections
 95 35 received by the child support recovery unit, a portion shall
 96 1 be credited to the FIP account and a portion may be used to
 96 2 increase recoveries.
 96 3 6. The department may adopt emergency administrative rules
 96 4 for the family investment, food stamp, and medical assistance
 96 5 programs, if necessary, to comply with federal requirements.
 96 6 7. The department may continue the initiative to
 96 7 streamline and simplify the employer verification process for
 96 8 applicants, participants, and employers in the administration
 96 9 of the department's programs. The department may contract
 96 10 with companies collecting data from employers when the
 96 11 information is needed in the administration of these programs.
 96 12 The department may limit the availability of the initiative on
 96 13 the basis of geographic area or number of individuals.
 96 14 Sec. 113. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
 96 15 is appropriated from the general fund of the state to the
 96 16 department of human services for the fiscal year beginning
 96 17 July 1, 2004, and ending June 30, 2005, the following amount,
 96 18 or so much thereof as is necessary, to be used for the purpose
 96 19 designated:
 96 20 To be credited to the family investment program (FIP)
 96 21 account and used for family investment program assistance
 96 22 under chapter 239B:
 96 23 \$ 39,045,438
 96 24 1. The department of workforce development, in
 96 25 consultation with the department of human services, shall
 96 26 continue to utilize recruitment and employment practices to
 96 27 include former and current FIP recipients.
 96 28 2. The department of human services shall continue to work
 96 29 with the department of workforce development and local
 96 30 community collaborative efforts to provide support services
 96 31 for FIP participants. The support services shall be directed
 96 32 to those participant families who would benefit from the
 96 33 support services and are likely to have success in achieving
 96 34 economic independence.
 96 35 3. Of the funds appropriated in this section, \$9,274,143
 97 1 is allocated for the JOBS program.
 97 2 4. The department shall continue to work with religious
 97 3 organizations and other charitable institutions to increase
 97 4 the availability of host homes, referred to as second chance
 97 5 homes or other living arrangements under the federal Personal
 97 6 Responsibility and Work Opportunity Reconciliation Act of
 97 7 1996, Pub. L. No. 104=193, } 103, and successor legislation.
 97 8 The purpose of the homes or arrangements is to provide a
 97 9 supportive and supervised living arrangement for minor parents
 97 10 receiving assistance under the family investment program who,
 97 11 under chapter 239B, may receive assistance while living in an
 97 12 alternative setting other than with their parent or legal
 97 13 guardian.
 97 14 Sec. 114. FOOD STAMP HEALTHY CHOICES. The department of
 97 15 human services, in cooperation with the Iowa department of
 97 16 public health, shall identify means by which the food stamp
 97 17 program may be utilized to promote good nutrition and healthy
 97 18 choices among recipients of food stamps. The departments
 97 19 shall submit a report of their findings to the general
 97 20 assembly by December 15, 2004.
 97 21 Sec. 115. CHILD SUPPORT RECOVERY. There is appropriated
 97 22 from the general fund of the state to the department of human
 97 23 services for the fiscal year beginning July 1, 2004, and
 97 24 ending June 30, 2005, the following amount, or so much thereof
 97 25 as is necessary, to be used for the purposes designated:
 97 26 For child support recovery, including salaries, support,
 97 27 maintenance, and miscellaneous purposes and for not more than
 97 28 the following full-time equivalent positions:
 97 29 \$ 5,715,656
 97 30 FTEs 407.00
 97 31 1. The director of human services, within the limitations
 97 32 of the moneys appropriated in this section, or moneys
 97 33 transferred from the family investment program account for
 97 34 this purpose, shall establish new positions and add employees
 97 35 to the child support recovery unit if the director determines
 98 1 that both the current and additional employees together can

98 2 reasonably be expected to maintain or increase net state
98 3 revenue at or beyond the budgeted level.

98 4 2. Nonpublic assistance application fees and other user
98 5 fees received by the child support recovery unit are
98 6 appropriated and shall be used for the purposes of the child
98 7 support recovery program. The director of human services may
98 8 add positions within the limitations of the amount
98 9 appropriated for salaries and support for the positions.

98 10 3. The director of human services, in consultation with
98 11 the department of management and the legislative fiscal
98 12 committee, is authorized to receive and deposit state child
98 13 support incentive earnings in the manner specified under
98 14 applicable federal requirements.

98 15 4. a. The director of human services may establish new
98 16 positions and add state employees to the child support
98 17 recovery unit or contract for delivery of services if the
98 18 director determines the employees are necessary to replace
98 19 county-funded positions eliminated due to termination,
98 20 reduction, or nonrenewal of a chapter 28E contract. However,
98 21 the director must also determine that the resulting increase
98 22 in the state share of child support recovery incentives
98 23 exceeds the cost of the positions or contract, the positions
98 24 or contract are necessary to ensure continued federal funding
98 25 of the program, or the new positions or contract can
98 26 reasonably be expected to recover at least twice the amount of
98 27 money necessary to pay the salaries and support for the new
98 28 positions or the contract will generate at least 200 percent
98 29 of the cost of the contract.

98 30 b. Employees in full-time positions that transition from
98 31 county government to state government employment under this
98 32 subsection are exempt from testing, selection, and appointment
98 33 provisions of chapter 19A and from the provisions of
98 34 collective bargaining agreements relating to the filling of
98 35 vacant positions.

99 1 5. Surcharges paid by obligors and received by the unit as
99 2 a result of the referral of support delinquency by the child
99 3 support recovery unit to any private collection agency are
99 4 appropriated to the department and shall be used to pay the
99 5 costs of any contracts with the collection agencies.

99 6 6. The department shall expend up to \$31,000, including
99 7 federal financial participation, for the fiscal year beginning
99 8 July 1, 2004, for a child support public awareness campaign.
99 9 The department and the office of the attorney general shall
99 10 cooperate in continuation of the campaign. The public
99 11 awareness campaign shall emphasize, through a variety of media
99 12 activities, the importance of maximum involvement of both
99 13 parents in the lives of their children as well as the
99 14 importance of payment of child support obligations.

99 15 7. Federal access and visitation grant moneys shall be
99 16 issued directly to private not-for-profit agencies that
99 17 provide services designed to increase compliance with the
99 18 child access provisions of court orders, including but not
99 19 limited to neutral visitation site and mediation services.

99 20 Sec. 116. MEDICAL ASSISTANCE. There is appropriated from
99 21 the general fund of the state to the department of human
99 22 services for the fiscal year beginning July 1, 2004, and
99 23 ending June 30, 2005, the following amount, or so much thereof
99 24 as is necessary, to be used for the purpose designated:

99 25 For medical assistance reimbursement and associated costs
99 26 as specifically provided in the reimbursement methodologies in
99 27 effect on June 30, 2004, except as otherwise expressly
99 28 authorized by law, including reimbursement for abortion
99 29 services, which shall be available under the medical
99 30 assistance program only for those abortions which are
99 31 medically necessary:

99 32 \$352,794,101

99 33 1. Medically necessary abortions are those performed under
99 34 any of the following conditions:

99 35 a. The attending physician certifies that continuing the
100 1 pregnancy would endanger the life of the pregnant woman.

100 2 b. The attending physician certifies that the fetus is
100 3 mentally deficient or afflicted with a congenital illness.

100 4 c. The pregnancy is the result of a rape which is reported
100 5 within 45 days of the incident to a law enforcement agency or
100 6 public or private health agency which may include a family
100 7 physician.

100 8 d. The pregnancy is the result of incest which is reported
100 9 within 150 days of the incident to a law enforcement agency or
100 10 public or private health agency which may include a family
100 11 physician.

100 12 e. Any spontaneous abortion, commonly known as a

100 13 miscarriage, if not all of the products of conception are
100 14 expelled.

100 15 2. Notwithstanding section 8.39, the department may
100 16 transfer funds appropriated in this section to a separate
100 17 account established in the department's case management unit
100 18 for expenditures required to provide case management services
100 19 for mental health, mental retardation, and developmental
100 20 disabilities services under medical assistance which are
100 21 jointly funded by the state and county, pending final
100 22 settlement of the expenditures. Funds received by the case
100 23 management unit in settlement of the expenditures shall be
100 24 used to replace the transferred funds and are available for
100 25 the purposes for which the funds were appropriated in this
100 26 section.

100 27 3. a. The county of legal settlement shall be billed for
100 28 50 percent of the nonfederal share of the cost of case
100 29 management provided for adults, day treatment, and partial
100 30 hospitalization in accordance with sections 249A.26 and
100 31 249A.27, and 100 percent of the nonfederal share of the cost
100 32 of care for adults which is reimbursed under a federally
100 33 approved home and community-based services waiver that would
100 34 otherwise be approved for provision in an intermediate care
100 35 facility for persons with mental retardation (ICFMR), provided
101 1 under the medical assistance program. The state shall have
101 2 responsibility for the remaining 50 percent of the nonfederal
101 3 share of the cost of case management provided for adults, day
101 4 treatment, and partial hospitalization. For persons without a
101 5 county of legal settlement, the state shall have
101 6 responsibility for 100 percent of the nonfederal share of the
101 7 costs of case management provided for adults, day treatment,
101 8 partial hospitalization, and the home and community-based
101 9 services waiver. The case management services specified in
101 10 this subsection shall be billed to a county only if the
101 11 services are provided outside of a managed care contract.
101 12 b. The state shall pay the entire nonfederal share of the
101 13 costs for case management services provided to persons 17
101 14 years of age and younger who are served in a medical
101 15 assistance home and community-based services waiver program
101 16 for persons with mental retardation.

101 17 c. Medical assistance funding for case management services
101 18 for eligible persons 17 years of age and younger shall also be
101 19 provided to persons residing in counties with child welfare
101 20 decategorization projects implemented in accordance with
101 21 section 232.188, provided these projects have included these
101 22 persons in their service plan and the decategorization project
101 23 county is willing to provide the nonfederal share of costs.

101 24 d. When paying the necessary and legal expenses of ICFMR
101 25 services, the cost payment requirements of section 222.60
101 26 shall be considered fulfilled when payment is made in
101 27 accordance with the medical assistance payment rates
101 28 established for ICFMRs by the department and the state or a
101 29 county of legal settlement is not obligated for any amount in
101 30 excess of the rates.

101 31 e. Unless a county has paid or is paying for the
101 32 nonfederal share of the cost of a person's home and community=
101 33 based waiver services or ICFMR placement under the county's
101 34 mental health, mental retardation, and developmental
101 35 disabilities services fund, or unless a county of legal
102 1 settlement would become liable for the costs of services at
102 2 the ICFMR level of care for a person due to the person
102 3 reaching the age of majority, the state shall pay the
102 4 nonfederal share of the costs of an eligible person's services
102 5 under the home and community-based waiver for persons with
102 6 brain injury.

102 7 4. The department shall utilize not more than \$60,000 of
102 8 the funds appropriated in this section to continue the
102 9 AIDS/HIV health insurance premium payment program as
102 10 established in 1992 Iowa Acts, Second Extraordinary Session,
102 11 chapter 1001, section 409, subsection 6. Of the funds
102 12 allocated in this subsection, not more than \$5,000 may be
102 13 expended for administrative purposes.

102 14 5. Of the funds appropriated to the Iowa department of
102 15 public health for addictive disorders, \$950,000 for the fiscal
102 16 year beginning July 1, 2004, shall be transferred to the
102 17 department of human services for an integrated substance abuse
102 18 managed care system.

102 19 6. In administering the medical assistance home and
102 20 community-based services waivers, the total number of openings
102 21 at any one time shall be limited to the number approved for a
102 22 waiver by the secretary of the United States department of
102 23 health and human services. The openings shall be available on

102 24 a first=come, first=served basis.

102 25 7. The department of human services, in consultation with
102 26 the Iowa department of public health and the department of
102 27 education, shall continue the program to utilize the early and
102 28 periodic screening, diagnosis, and treatment (EPSDT) funding
102 29 under medical assistance, to the extent possible, to implement
102 30 the screening component of the EPSDT program through the
102 31 school system. The department may enter into contracts to
102 32 utilize maternal and child health centers, the public health
102 33 nursing program, or school nurses in implementing this
102 34 provision.

102 35 8. If the federal centers for Medicare and Medicaid
103 1 services approves a waiver request from the department, the
103 2 department shall provide a period of 12 months of guaranteed
103 3 eligibility for medical assistance family planning services
103 4 only, regardless of the change in circumstances of a woman who
103 5 was a medical assistance recipient when a pregnancy ended.
103 6 The department shall also provide this guaranteed eligibility
103 7 to women who are at least 13 years of age but less than 45
103 8 years of age with countable income at or below 200 percent of
103 9 the federal poverty level.

103 10 9. a. The department shall aggressively pursue options
103 11 for providing medical assistance or other assistance to
103 12 individuals with special needs who become ineligible to
103 13 continue receiving services under the early and periodic
103 14 screening, diagnosis, and treatment program under the medical
103 15 assistance program due to becoming 21 years of age, who have
103 16 been approved for additional assistance through the
103 17 department's exception to policy provisions, but who have
103 18 health care needs in excess of the funding available through
103 19 the exception to policy process.

103 20 b. Of the funds appropriated in this section, \$100,000
103 21 shall be used for participation in one or more pilot projects
103 22 operated by a private provider to allow the individual or
103 23 individuals to receive service in the community in accordance
103 24 with principles established in the Olmstead v. L.C. 527 U.S.
103 25 581 (1999) for the purpose of providing medical assistance or
103 26 other assistance to individuals with special needs who become
103 27 ineligible to continue receiving services under the early and
103 28 periodic screening, diagnosis, and treatment program under the
103 29 medical assistance program due to becoming twenty-one years of
103 30 age, who have been approved for additional assistance through
103 31 the department's exception to policy provisions, but who have
103 32 health care needs in excess of the funding available through
103 33 the exception to the policy provisions.

103 34 10. The Iowa medical assistance drug utilization review
103 35 commission shall submit copies of the board's annual review,
104 1 including facts and findings, of the drugs on the department's
104 2 prior authorization list to the department and to the members
104 3 of the joint appropriations subcommittee on health and human
104 4 services.

104 5 11. The department of human services shall submit a
104 6 Medicaid state plan amendment to the centers for Medicare and
104 7 Medicaid services of the United States department of health
104 8 and human services to provide that for the fiscal year
104 9 beginning July 1, 2004, and ending June 30, 2005, the
104 10 department of human services shall adjust hospital payments to
104 11 state-owned acute-care hospitals with over 500 beds to offset
104 12 the high cost incurred by such facilities for providing
104 13 services to medical assistance patients. The amendment shall
104 14 provide that adjustments shall be made to the payments for
104 15 inpatient hospital services to which the hospital would
104 16 otherwise be entitled under the medical assistance program.
104 17 Additionally, the amendment shall provide that the adjustments
104 18 shall be established at the level intended to increase the
104 19 medical assistance payments to qualifying hospitals up to the
104 20 lesser of the categorical Medicare upper payment limit for
104 21 inpatient services, or the hospital-specific limit, as defined
104 22 under 42 C.F.R. 447.272, 42 C.F.R. 447.321, and 42 U.S.C. }
104 23 1396r-4(g), as applicable.

104 24 12. The department shall assist school districts in
104 25 applying for direct claiming under the medical assistance
104 26 program for funding of school district nursing services for
104 27 students.

104 28 Sec. 117. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
104 29 is appropriated from the general fund of the state to the
104 30 department of human services for the fiscal year beginning
104 31 July 1, 2004, and ending June 30, 2005, the following amount,
104 32 or so much thereof as is necessary, to be used for the purpose
104 33 designated:

104 34 For administration of the health insurance premium payment

104 35 program, including salaries, support, maintenance, and
 105 1 miscellaneous purposes, and for not more than the following
 105 2 full-time equivalent positions:
 105 3 \$ 606,429
 105 4 FTEs 20.95
 105 5 Sec. 118. MEDICAL CONTRACTS. There is appropriated from
 105 6 the general fund of the state to the department of human
 105 7 services for the fiscal year beginning July 1, 2004, and
 105 8 ending June 30, 2005, the following amount, or so much thereof
 105 9 as is necessary, to be used for the purpose designated:
 105 10 For medical contracts, including salaries, support,
 105 11 maintenance, and miscellaneous purposes, and for not more than
 105 12 the following full-time equivalent positions:
 105 13 \$ 9,725,035
 105 14 FTEs 1.00
 105 15 1. In any managed care contract for mental health or
 105 16 substance abuse services entered into or extended by the
 105 17 department on or after July 1, 2004, the request for proposals
 105 18 shall provide for coverage of dual diagnosis mental health and
 105 19 substance abuse treatment provided at the state mental health
 105 20 institute at Mount Pleasant. To the extent possible, the
 105 21 department shall also amend any such contract existing on July
 105 22 1, 2004, to provide for such coverage.
 105 23 2. Up to \$665,000 of the moneys deposited in the
 105 24 pharmaceutical settlement account created pursuant to section
 105 25 249A.33 is appropriated to the department for the fiscal year
 105 26 beginning July 1, 2004, and ending June 30, 2005, to be used
 105 27 for the procurement of and transition to the new medical
 105 28 assistance program fiscal agent vendors.
 105 29 Sec. 119. MEDICAL ASSISTANCE PROGRAM == REQUIREMENTS.
 105 30 1. The department of human services shall do all of the
 105 31 following:
 105 32 a. Consistent with applicable state and federal law, issue
 105 33 one or more requests for proposals to purchase certain durable
 105 34 medical equipment or supplies if such a procurement strategy
 105 35 will reduce the costs of these items to the medical assistance
 106 1 program while maintaining appropriate access and quality
 106 2 standards.
 106 3 b. Expand the recipient lock-in program, surveillance and
 106 4 utilization review activities, and program audit activities to
 106 5 the greatest extent possible. Any savings realized from the
 106 6 expansion may be used to the extent necessary to pay the costs
 106 7 associated with implementation of this subsection. The
 106 8 department shall report the amount of any savings realized and
 106 9 the amount of any costs paid to the persons designated in this
 106 10 Act to receive reports.
 106 11 c. Implement a health insurance data match program with
 106 12 insurance carriers to be used to match insureds against a
 106 13 listing of medical assistance recipients. The information
 106 14 submitted shall be used solely to identify third-party payors
 106 15 for medical assistance recipients and shall be kept
 106 16 confidential. The department, in consultation with insurance
 106 17 carriers, shall adopt rules to implement this paragraph. The
 106 18 rules shall be published as emergency rules to take effect no
 106 19 later than June 30, 2004. Insurance carriers shall begin
 106 20 providing the information required upon the adoption of the
 106 21 rules.
 106 22 d. Notwithstanding any provision of law to the contrary,
 106 23 institute a process whereby home health agencies are required
 106 24 to bill the Medicare program for appropriate home health
 106 25 services. The process shall require that as a condition of
 106 26 receiving payment under the medical assistance program, the
 106 27 home health agency must attach a Medicare denial of benefits
 106 28 form to the Medicaid program claim form.
 106 29 e. Identify and initiate a process for reducing reliance
 106 30 on intermediate care facilities for persons with mental
 106 31 retardation level of care and substituting community-based
 106 32 care.
 106 33 f. Provide that under the Iowa preferred drug list
 106 34 requirements, any newly released generic drug product shall
 106 35 only be considered to be a preferred drug and therefore not
 107 1 subject to prior authorization if the generic product's cost
 107 2 to the medical assistance program is less than the brand name
 107 3 product's cost to the medical assistance program. In
 107 4 determining the medical assistance program cost of each drug
 107 5 product, the drug product cost shall be the net amount derived
 107 6 following inclusion of all medical assistance program drug
 107 7 rebates and after the impact of all Iowa-specific supplemental
 107 8 rebates are taken into account.
 107 9 g. Determine or enter a contract to identify the incidence
 107 10 of chronic disease within the Iowa medical assistance program

107 11 population in order to most effectively utilize disease
107 12 management programs under the medical assistance program. The
107 13 department may procure a sole source contract to implement
107 14 this subsection.

107 15 2. The department may adopt emergency rules and shall
107 16 apply for any federal waivers or plan amendments necessary to
107 17 implement the provisions of this section.

107 18 Sec. 120. STATE SUPPLEMENTARY ASSISTANCE.

107 19 1. There is appropriated from the general fund of the
107 20 state to the department of human services for the fiscal year
107 21 beginning July 1, 2004, and ending June 30, 2005, the
107 22 following amount, or so much thereof as is necessary, to be
107 23 used for the purposes designated:
107 24 For state supplementary assistance and the medical
107 25 assistance home and community-based services waiver rent
107 26 subsidy program:
107 27 \$ 19,273,135

107 28 2. The department shall increase the personal needs
107 29 allowance for residents of residential care facilities by the
107 30 same percentage and at the same time as federal supplemental
107 31 security income and federal social security benefits are
107 32 increased due to a recognized increase in the cost of living.
107 33 The department may adopt emergency rules to implement this
107 34 subsection.

107 35 3. If during the fiscal year beginning July 1, 2004, the
108 1 department projects that state supplementary assistance
108 2 expenditures for a calendar year will not meet the federal
108 3 pass-along requirement specified in Title XVI of the federal
108 4 Social Security Act, section 1618, as codified in 42 U.S.C. }
108 5 1382g, the department may take actions including but not
108 6 limited to increasing the personal needs allowance for
108 7 residential care facility residents and making programmatic
108 8 adjustments or upward adjustments of the residential care
108 9 facility or in-home health-related care reimbursement rates
108 10 prescribed in this division of this Act to ensure that federal
108 11 requirements are met. In addition, the department may make
108 12 other programmatic and rate adjustments necessary to remain
108 13 within the amount appropriated in this section while ensuring
108 14 compliance with federal requirements. The department may
108 15 adopt emergency rules to implement the provisions of this
108 16 subsection.

108 17 Sec. 121. CHILDREN'S HEALTH INSURANCE PROGRAM. There is
108 18 appropriated from the general fund of the state to the
108 19 department of human services for the fiscal year beginning
108 20 July 1, 2004, and ending June 30, 2005, the following amount,
108 21 or so much thereof as is necessary, to be used for the purpose
108 22 designated:
108 23 For maintenance of the healthy and well kids in Iowa (hawk=
108 24 i) program pursuant to chapter 514I for receipt of federal
108 25 financial participation under Title XXI of the federal Social
108 26 Security Act, which creates the state children's health
108 27 insurance program:
108 28 \$ 12,118,275

108 29 1. The department may transfer funds appropriated in this
108 30 section to be used for the purpose of expanding health care
108 31 coverage to children under the medical assistance program.
108 32 The department shall provide periodic updates to the general
108 33 assembly of expenditures of funds appropriated in this
108 34 section.

108 35 2. Moneys in the hawk=i trust fund are appropriated to the
109 1 department of human services and shall be used to offset any
109 2 program costs for the fiscal year beginning July 1, 2004, and
109 3 ending June 30, 2005.

109 4 Sec. 122. CHILD CARE ASSISTANCE. There is appropriated
109 5 from the general fund of the state to the department of human
109 6 services for the fiscal year beginning July 1, 2004, and
109 7 ending June 30, 2005, the following amount, or so much thereof
109 8 as is necessary, to be used for the purpose designated:
109 9 For child care programs:
109 10 \$ 5,050,752

109 11 1. a. Of the funds appropriated in this section,
109 12 \$4,525,228 shall be used for state child care assistance in
109 13 accordance with section 237A.13.

109 14 b. During the 2004=2005 fiscal year, the moneys deposited
109 15 in the child care credit fund created in section 237A.28 are
109 16 appropriated to the department to be used for state child care
109 17 assistance in accordance with section 237A.13, in addition to
109 18 the moneys allocated for that purpose in paragraph "a".

109 19 2. Nothing in this section shall be construed or is
109 20 intended as, or shall imply, a grant of entitlement for
109 21 services to persons who are eligible for assistance due to an

109 22 income level consistent with the waiting list requirements of
109 23 section 237A.13. Any state obligation to provide services
109 24 pursuant to this section is limited to the extent of the funds
109 25 appropriated in this section.

109 26 3. Of the funds appropriated in this section, \$525,524 is
109 27 allocated for the statewide program for child care resource
109 28 and referral services under section 237A.26.

109 29 4. The department may use any of the funds appropriated in
109 30 this section as a match to obtain federal funds for use in
109 31 expanding child care assistance and related programs. For the
109 32 purpose of expenditures of state and federal child care
109 33 funding, funds shall be considered obligated at the time
109 34 expenditures are projected or are allocated to the
109 35 department's service areas. Projections shall be based on
110 1 current and projected caseload growth, current and projected
110 2 provider rates, staffing requirements for eligibility
110 3 determination and management of program requirements including
110 4 data systems management, staffing requirements for
110 5 administration of the program, contractual and grant
110 6 obligations and any transfers to other state agencies, and
110 7 obligations for decategorization or innovation projects.

110 8 5. A portion of the state match for the federal child care
110 9 and development block grant shall be provided through the
110 10 state general fund appropriation for child development grants
110 11 and other programs for at-risk children in section 279.51.

110 12 6. If the department receives additional funding from the
110 13 federal government designated for purposes of improving child
110 14 care quality, the funding shall be used for additional child
110 15 care consultant positions within the department's field
110 16 operations.

110 17 Sec. 123. CHILD CARE QUALITY RATING SYSTEM.

110 18 1. By December 15, 2004, the department of human services
110 19 shall submit to the governor and general assembly a plan for
110 20 implementation of a voluntary child care provider quality
110 21 rating system. In developing the implementation plan for the
110 22 quality rating system, the department of human services shall
110 23 partner with the community empowerment office in the
110 24 department of management and the state child care advisory
110 25 council. The department shall also coordinate with the state
110 26 agencies represented on the Iowa empowerment board, child care
110 27 resource and referral service grantees under section 237A.26,
110 28 and other agencies and organizations that focus on community=
110 29 based early childhood services.

110 30 2. The implementation plan shall detail the rating system
110 31 structure, including the number of quality levels, outline the
110 32 manner in which the system will be administered, identify the
110 33 statutory and rule changes needed, identify implementation
110 34 costs and funding strategies, include a communication plan
110 35 targeted to both providers and parents, and propose an
111 1 implementation timeline.

111 2 3. Each quality rating level in the proposed system may
111 3 address one or more of the following quality variables: staff
111 4 education, training, and credentials; director education and
111 5 training; an environmental rating scale or other means to
111 6 assess or evaluate the physical, health, and safety aspects of
111 7 a child care facility; parental involvement; staff-to-child
111 8 ratios; national accreditation; compliance history;
111 9 curriculum; business practices; staff retention; staff
111 10 compensation and benefits; provider membership in early
111 11 childhood professional organizations; and other appropriate
111 12 quality variables.

111 13 4. In providing support and recognition for providers who
111 14 seek to attain higher quality rating levels, the plan may
111 15 propose payment of a reimbursement differential under the
111 16 state child care assistance program. In addition, the plan
111 17 may provide for supplying provider quality ratings on the
111 18 department's internet site and in other consumer information
111 19 distributed pursuant to section 237A.25 and in information
111 20 supplied to parents by child care resource and referral
111 21 services.

111 22 Sec. 124. JUVENILE INSTITUTIONS. There is appropriated
111 23 from the general fund of the state to the department of human
111 24 services for the fiscal year beginning July 1, 2004, and
111 25 ending June 30, 2005, the following amounts, or so much
111 26 thereof as is necessary, to be used for the purposes
111 27 designated:

111 28 1. For operation of the Iowa juvenile home at Toledo and
111 29 for salaries, support, maintenance, and for not more than the
111 30 following full-time equivalent positions:
111 31 \$ 6,061,266
111 32 FTEs 130.54

111 33 The department is requested to convene a group to review
111 34 the programs and services of the Iowa juvenile home and to
111 35 present the governor and general assembly with suggestions for
112 1 improvements. The group should review previous studies and
112 2 reports on the institution. The membership of the group
112 3 should include but is not limited to representatives of
112 4 departmental field staff, juvenile judges, juvenile court
112 5 officers, alumni of the institution, other departmental
112 6 institutions, community-based providers, and other interested
112 7 parties.

112 8 2. For operation of the state training school at Eldora
112 9 and for salaries, support, maintenance, and for not more than
112 10 the following full-time equivalent positions:

112 11 \$ 9,570,563
112 12 FTEs 218.53

112 13 3. During the fiscal year beginning July 1, 2004, the
112 14 population levels at the state juvenile institutions shall not
112 15 exceed the population guidelines established under 1990 Iowa
112 16 Acts, chapter 1239, section 21, as adjusted for subsequent
112 17 changes in capacity at the institutions.

112 18 4. A portion of the moneys appropriated in this section
112 19 shall be used by the state training school and by the Iowa
112 20 juvenile home for grants for adolescent pregnancy prevention
112 21 activities at the institutions in the fiscal year beginning
112 22 July 1, 2004.

112 23 5. Within the amounts appropriated in this section, the
112 24 department may transfer funds as necessary to best fulfill the
112 25 needs of the institutions provided for in the appropriation.

112 26 Sec. 125. CHILD AND FAMILY SERVICES.

112 27 1. There is appropriated from the general fund of the
112 28 state to the department of human services for the fiscal year
112 29 beginning July 1, 2004, and ending June 30, 2005, the
112 30 following amount, or so much thereof as is necessary, to be
112 31 used for the purpose designated:

112 32 For child and family services:

112 33 \$ 96,935,253

112 34 In order to address a reduction of \$6,200,000 from the
112 35 amount allocated under this appropriation in prior years for
113 1 purposes of juvenile delinquent graduated sanction services,
113 2 up to \$6,200,000 of the amount of federal temporary assistance
113 3 for needy families block grant funding appropriated in this
113 4 division of this Act for child and family services, shall be
113 5 made available for purposes of juvenile delinquent graduated
113 6 sanction services.

113 7 2. The department may transfer funds appropriated in this
113 8 section as necessary to pay the nonfederal costs of services
113 9 reimbursed under medical assistance or the family investment
113 10 program which are provided to children who would otherwise
113 11 receive services paid under the appropriation in this section.
113 12 The department may transfer funds appropriated in this section
113 13 to the appropriations in this division of this Act for general
113 14 administration and for field operations for resources
113 15 necessary to implement and operate the services funded in this
113 16 section.

113 17 3. a. Of the funds appropriated in this section, up to
113 18 \$34,653,383 is allocated as the statewide expenditure target
113 19 under section 232.143 for group foster care maintenance and
113 20 services.

113 21 b. If at any time after September 30, 2004, annualization
113 22 of a service area's current expenditures indicates a service
113 23 area is at risk of exceeding its group foster care expenditure
113 24 target under section 232.143 by more than 5 percent, the
113 25 department and juvenile court services shall examine all group
113 26 foster care placements in that service area in order to
113 27 identify those which might be appropriate for termination. In
113 28 addition, any aftercare services believed to be needed for the
113 29 children whose placements may be terminated shall be
113 30 identified. The department and juvenile court services shall
113 31 initiate action to set dispositional review hearings for the
113 32 placements identified. In such a dispositional review
113 33 hearing, the juvenile court shall determine whether needed
113 34 aftercare services are available and whether termination of
113 35 the placement is in the best interest of the child and the
114 1 community.

114 2 c. Of the funds allocated in this subsection, \$1,398,403
114 3 is allocated as the state match funding for 50 highly
114 4 structured juvenile program beds. If the number of beds
114 5 provided for in this lettered paragraph is not utilized, the
114 6 remaining funds allocated may be used for group foster care.

114 7 d. For the fiscal year beginning July 1, 2004, the
114 8 requirements of section 232.143 applicable to the juvenile

114 9 court and to representatives of the juvenile court shall be
114 10 applicable instead to juvenile court services and to
114 11 representatives of juvenile court services. The
114 12 representatives appointed by the department of human services
114 13 and by juvenile court services to establish the plan to
114 14 contain expenditures for children placed in group foster care
114 15 ordered by the court within the budget target allocated to the
114 16 service area shall establish the plan in a manner so as to
114 17 ensure the moneys allocated to the service area under section
114 18 232.143 shall last the entire fiscal year. Funds for a child
114 19 placed in group foster care shall be considered encumbered for
114 20 the duration of the child's projected or actual length of
114 21 stay, whichever is applicable.

114 22 4. In accordance with the provisions of section 232.188,
114 23 the department shall continue the program to decategorize
114 24 child welfare services funding. Of the funds appropriated in
114 25 this section, \$1,000,000 is allocated specifically for
114 26 expenditure through the decategorization of child welfare
114 27 funding pools and governance boards established pursuant to
114 28 section 232.188. In addition, up to \$2,000,000 of the amount
114 29 of federal temporary assistance for needy families block grant
114 30 funding appropriated in this division of this Act for child
114 31 and family services shall be made available for purposes of
114 32 decategorization of child welfare services as provided in this
114 33 subsection. Notwithstanding section 8.33, moneys allocated in
114 34 this subsection that remain unencumbered or unobligated at the
114 35 close of the fiscal year shall not revert but shall remain
115 1 available for expenditure for the purposes designated until
115 2 the close of the succeeding fiscal year. It is the intent of
115 3 the general assembly that the department continue its practice
115 4 of providing strong support for Iowa's nationally recognized
115 5 initiative of decategorization of child welfare funding.

115 6 5. Of the funds appropriated in this section, up to
115 7 \$915,892 is allocated for additional funding of the family
115 8 preservation program.

115 9 6. The department shall continue the goal that not more
115 10 than 15 percent of the children placed in foster care funded
115 11 under the federal Social Security Act, Title IV-E, may be
115 12 placed in foster care for a period of more than 24 months.

115 13 7. A portion of the funding appropriated in this section
115 14 may be used for emergency family assistance to provide other
115 15 resources required for a family participating in a family
115 16 preservation or reunification project to stay together or to
115 17 be reunified.

115 18 8. Notwithstanding section 234.35, subsection 1, for the
115 19 fiscal year beginning July 1, 2004, state funding for shelter
115 20 care paid pursuant to section 234.35, subsection 1, paragraph
115 21 "h", shall be limited to \$6,926,718.

115 22 9. The department shall continue to make adoption
115 23 presubsidy and adoption subsidy payments to adoptive parents
115 24 at the beginning of the month for the current month.

115 25 10. Federal funds received by the state during the fiscal
115 26 year beginning July 1, 2004, as the result of the expenditure
115 27 of state funds appropriated during a previous state fiscal
115 28 year for a service or activity funded under this section, are
115 29 appropriated to the department to be used as additional
115 30 funding for services and purposes provided for under this
115 31 section. Notwithstanding section 8.33, moneys received in
115 32 accordance with this subsection that remain unencumbered or
115 33 unobligated at the close of the fiscal year shall not revert
115 34 to any fund but shall remain available for the purposes
115 35 designated until the close of the succeeding fiscal year.

116 1 11. Of the moneys appropriated in this section, not more
116 2 than \$442,100 is allocated to provide clinical assessment
116 3 services as necessary to continue funding of children's
116 4 rehabilitation services under medical assistance in accordance
116 5 with federal law and requirements. The funding allocated is
116 6 the amount projected to be necessary for providing the
116 7 clinical assessment services.

116 8 12. Of the funding appropriated in this section,
116 9 \$3,696,285 shall be used for protective child care assistance.

116 10 13. Of the moneys appropriated in this section, up to
116 11 \$2,859,851 is allocated for the payment of the expenses of
116 12 court-ordered services provided to juveniles which are a
116 13 charge upon the state pursuant to section 232.141, subsection
116 14 4. Of the amount allocated in this subsection, up to
116 15 \$1,431,597 shall be made available to provide school-based
116 16 supervision of children adjudicated under chapter 232, of
116 17 which not more than \$15,000 may be used for the purpose of
116 18 training. A portion of the cost of each school-based liaison
116 19 officer shall be paid by the school district or other funding

116 20 source as approved by the chief juvenile court officer.
116 21 a. Notwithstanding section 232.141 or any other provision
116 22 of law to the contrary, the amount allocated in this
116 23 subsection shall be distributed to the judicial districts as
116 24 determined by the state court administrator. The state court
116 25 administrator shall make the determination of the distribution
116 26 amounts on or before June 15, 2004.

116 27 b. Notwithstanding chapter 232 or any other provision of
116 28 law to the contrary, a district or juvenile court shall not
116 29 order any service which is a charge upon the state pursuant to
116 30 section 232.141 if there are insufficient court-ordered
116 31 services funds available in the district court distribution
116 32 amount to pay for the service. The chief juvenile court
116 33 officer shall encourage use of the funds allocated in this
116 34 subsection such that there are sufficient funds to pay for all
116 35 court-related services during the entire year. The chief
117 1 juvenile court officers shall attempt to anticipate potential
117 2 surpluses and shortfalls in the distribution amounts and shall
117 3 cooperatively request the state court administrator to
117 4 transfer funds between the districts' distribution amounts as
117 5 prudent.

117 6 c. Notwithstanding any provision of law to the contrary, a
117 7 district or juvenile court shall not order a county to pay for
117 8 any service provided to a juvenile pursuant to an order
117 9 entered under chapter 232 which is a charge upon the state
117 10 under section 232.141, subsection 4.

117 11 d. Of the funding allocated in this subsection, not more
117 12 than \$100,000 may be used by the judicial branch for
117 13 administration of the requirements under this subsection and
117 14 for travel associated with court-ordered placements which are
117 15 a charge upon the state pursuant to section 232.141,
117 16 subsection 4.

117 17 14. The department shall maximize the capacity to draw
117 18 federal funding under Title IV=E of the federal Social
117 19 Security Act.

117 20 15. Notwithstanding section 234.39, subsection 5, and 2000
117 21 Iowa Acts, chapter 1228, section 43, the department may
117 22 operate a subsidized guardianship program if the United States
117 23 department of health and human services approves a waiver
117 24 under Title IV=E of the federal Social Security Act or the
117 25 federal Social Security Act is amended to allow Title IV=E
117 26 funding to be used for subsidized guardianship, and the
117 27 subsidized guardianship program can be operated without loss
117 28 of Title IV=E funds.

117 29 16. The department shall work with foster and adoptive
117 30 families, private child welfare agencies, and advocates to
117 31 identify savings alternatives in the adoption subsidy program.
117 32 The department may adopt emergency rules to implement this
117 33 subsection.

117 34 17. The department shall develop a plan for privatizing
117 35 the administration of the foster care and adoption programs.
118 1 The plan shall be submitted to the governor and the general
118 2 assembly on or before December 15, 2004.

118 3 18. Of the amount appropriated in this section, \$100,000
118 4 shall be transferred to the Iowa department of public health
118 5 to be used for the child protection center grant program in
118 6 accordance with section 135.118.

118 7 19. Of the amount appropriated in this section, \$148,000
118 8 shall be used for funding of one or more child welfare
118 9 diversion and mediation pilot projects as provided in House
118 10 File 2462.

118 11 Sec. 126. JUVENILE DETENTION HOME FUND. Moneys deposited
118 12 in the juvenile detention home fund created in section 232.142
118 13 during the fiscal year beginning July 1, 2004, and ending June
118 14 30, 2005, are appropriated to the department of human services
118 15 for the fiscal year beginning July 1, 2004, and ending June
118 16 30, 2005, for distribution as follows:

118 17 1. An amount equal to ten percent of the costs of the
118 18 establishment, improvement, operation, and maintenance of
118 19 county or multicounty juvenile detention homes in the fiscal
118 20 year beginning July 1, 2003. Moneys appropriated for
118 21 distribution in accordance with this subsection shall be
118 22 allocated among eligible detention homes, prorated on the
118 23 basis of an eligible detention home's proportion of the costs
118 24 of all eligible detention homes in the fiscal year beginning
118 25 July 1, 2003. Notwithstanding section 232.142, subsection 3,
118 26 the financial aid payable by the state under that provision
118 27 for the fiscal year beginning July 1, 2004, shall be limited
118 28 to the amount appropriated for the purposes of this
118 29 subsection.

118 30 2. For renewal of a grant to a county with a population

118 31 between 189,000 and 196,000 for implementation of the county's
118 32 runaway treatment plan under section 232.195:
118 33 \$ 80,000
118 34 3. For continuation and expansion of the community
118 35 partnership for child protection sites:
119 1 \$ 318,000
119 2 4. For grants to counties implementing a runaway treatment
119 3 plan under section 232.195.
119 4 5. The remainder for additional allocations to county or
119 5 multicounty juvenile detention homes, in accordance with the
119 6 distribution requirements of subsection 1.
119 7 Sec. 127. FAMILY SUPPORT SUBSIDY PROGRAM. There is
119 8 appropriated from the general fund of the state to the
119 9 department of human services for the fiscal year beginning
119 10 July 1, 2004, and ending June 30, 2005, the following amount,
119 11 or so much thereof as is necessary, to be used for the purpose
119 12 designated:
119 13 For the family support subsidy program:
119 14 \$ 1,936,434
119 15 1. The department may use up to \$333,312 of the moneys
119 16 appropriated in this section to continue the children-at-home
119 17 program in current counties, of which not more than \$20,000
119 18 shall be used for administrative costs.
119 19 2. Notwithstanding section 225C.38, subsection 1, the
119 20 monthly family support payment amount for the fiscal year
119 21 beginning July 1, 2004, shall remain the same as the payment
119 22 amount in effect on June 30, 2004.
119 23 Sec. 128. CONNER DECREE. There is appropriated from the
119 24 general fund of the state to the department of human services
119 25 for the fiscal year beginning July 1, 2004, and ending June
119 26 30, 2005, the following amount, or so much thereof as is
119 27 necessary, to be used for the purpose designated:
119 28 For building community capacity through the coordination
119 29 and provision of training opportunities in accordance with the
119 30 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
119 31 Iowa, July 14, 1994):
119 32 \$ 42,623
119 33 Sec. 129. MENTAL HEALTH INSTITUTES. There is appropriated
119 34 from the general fund of the state to the department of human
119 35 services for the fiscal year beginning July 1, 2004, and
120 1 ending June 30, 2005, the following amounts, or so much
120 2 thereof as is necessary, to be used for the purposes
120 3 designated:
120 4 1. For the state mental health institute at Cherokee for
120 5 salaries, support, maintenance, and miscellaneous purposes and
120 6 for not more than the following full-time equivalent
120 7 positions:
120 8 \$ 12,927,556
120 9 FTEs 227.65
120 10 2. For the state mental health institute at Clarinda for
120 11 salaries, support, maintenance, and miscellaneous purposes and
120 12 for not more than the following full-time equivalent
120 13 positions:
120 14 \$ 7,410,346
120 15 FTEs 113.15
120 16 3. For the state mental health institute at Independence
120 17 for salaries, support, maintenance, and miscellaneous purposes
120 18 and for not more than the following full-time equivalent
120 19 positions:
120 20 \$ 17,239,768
120 21 FTEs 317.80
120 22 The state mental health institute at Independence shall
120 23 continue the 30 psychiatric medical institution for children
120 24 (PMIC) beds authorized in section 135H.6, in a manner which
120 25 results in no net state expenditure amount in excess of the
120 26 amount appropriated in this subsection. Counties are not
120 27 responsible for the costs of PMIC services described in this
120 28 subsection. Subject to the approval of the department, with
120 29 the exception of revenues required under section 249A.11 to be
120 30 credited to the appropriation in this division of this Act for
120 31 medical assistance, revenues attributable to the PMIC beds
120 32 described in this subsection for the fiscal year beginning
120 33 July 1, 2004, and ending June 30, 2005, shall be deposited in
120 34 the institute's account, including but not limited to any of
120 35 the following revenues:
121 1 a. The federal share of medical assistance revenue
121 2 received under chapter 249A.
121 3 b. Moneys received through client participation.
121 4 c. Any other revenues directly attributable to the PMIC
121 5 beds.
121 6 4. For the state mental health institute at Mount Pleasant

7 for salaries, support, maintenance, and miscellaneous purposes
 8 and for not more than the following full-time equivalent
 9 positions:
 10 \$ 6,109,205
 11 FTEs 100.44
 12 a. Funding is provided in this subsection for the state
 13 mental health institute at Mount Pleasant to continue the dual
 14 diagnosis mental health and substance abuse program on a net
 15 budgeting basis in which 50 percent of the actual per diem and
 16 ancillary services costs are chargeable to the patient's
 17 county of legal settlement or as a state case, as appropriate.
 18 Subject to the approval of the department, revenues
 19 attributable to the dual diagnosis program for the fiscal year
 20 beginning July 1, 2004, and ending June 30, 2005, shall be
 21 deposited in the institute's account, including but not
 22 limited to all of the following revenues:
 23 (1) Moneys received by the state from billings to counties
 24 under section 230.20.
 25 (2) Moneys received from billings to the Medicare program.
 26 (3) Moneys received from a managed care contractor
 27 providing services under contract with the department or any
 28 private third-party payor.
 29 (4) Moneys received through client participation.
 30 (5) Any other revenues directly attributable to the dual
 31 diagnosis program.
 32 b. The following additional provisions are applicable in
 33 regard to the dual diagnosis program:
 34 (1) A county may split the charges between the county's
 35 mental health, mental retardation, and developmental
 1 disabilities services fund and the county's budget for
 2 substance abuse expenditures.
 3 (2) If an individual is committed to the custody of the
 4 department of corrections at the time the individual is
 5 referred for dual diagnosis treatment, the department of
 6 corrections shall be charged for the costs of treatment.
 7 (3) Prior to an individual's admission for dual diagnosis
 8 treatment, the individual shall have been screened through a
 9 county's single entry point process to determine the
 10 appropriateness of the treatment.
 11 (4) A county shall not be chargeable for the costs of
 12 treatment for an individual enrolled in and authorized by or
 13 decertified by a managed behavioral care plan under the
 14 medical assistance program.
 15 (5) Notwithstanding section 8.33, state mental health
 16 institute revenues related to the dual diagnosis program that
 17 remain unencumbered or unobligated at the close of the fiscal
 18 year shall not revert but shall remain available up to the
 19 amount which would allow the state mental health institute to
 20 meet credit obligations owed to counties as a result of year-
 21 end per diem adjustments for the dual diagnosis program.
 22 5. Within the funds appropriated in this section, the
 23 department may transfer funds as necessary to best fulfill the
 24 needs of the institutes provided for in the appropriation.
 25 6. As part of the discharge planning process at the state
 26 mental health institutes, the department shall provide
 27 assistance in obtaining eligibility for federal supplemental
 28 security income (SSI) to those individuals whose care at a
 29 state mental health institute is the financial responsibility
 30 of the state or a county.
 31 Sec. 130. STATE RESOURCE CENTERS. There is appropriated
 32 from the general fund of the state to the department of human
 33 services for the fiscal year beginning July 1, 2004, and
 34 ending June 30, 2005, the following amounts, or so much
 35 thereof as is necessary, to be used for the purposes
 1 designated:
 2 1. For the state resource center at Glenwood for salaries,
 3 support, maintenance, and miscellaneous purposes:
 4 \$ 8,550,280
 5 2. For the state resource center at Woodward for salaries,
 6 support, maintenance, and miscellaneous purposes:
 7 \$ 4,520,459
 8 3. a. The department shall continue operating the state
 9 resource centers at Glenwood and Woodward with a net general
 10 fund appropriation. The amounts allocated in this section are
 11 the net amounts of state moneys projected to be needed for the
 12 state resource centers. The purposes of operating with a net
 13 general fund appropriation are to encourage the state resource
 14 centers to operate with increased self-sufficiency, to improve
 15 quality and efficiency, and to support collaborative efforts
 16 between the state resource centers and counties and other
 17 funders of services available from the state resource centers.

123 18 The state resource centers shall not be operated under the net
123 19 appropriation in a manner which results in a cost increase to
123 20 the state or cost shifting between the state, the medical
123 21 assistance program, counties, or other sources of funding for
123 22 the state resource centers. Moneys appropriated in this
123 23 section may be used throughout the fiscal year in the manner
123 24 necessary for purposes of cash flow management, and for
123 25 purposes of cash flow management the state resource centers
123 26 may temporarily draw more than the amounts appropriated,
123 27 provided the amounts appropriated are not exceeded at the
123 28 close of the fiscal year.

123 29 b. Subject to the approval of the department, except for
123 30 revenues under section 249A.11, revenues attributable to the
123 31 state resource centers for the fiscal year beginning July 1,
123 32 2004, shall be deposited into each state resource center's
123 33 account, including but not limited to all of the following:

123 34 (1) Moneys received by the state from billings to counties
123 35 under section 222.73.

124 1 (2) The federal share of medical assistance revenue
124 2 received under chapter 249A.

124 3 (3) Federal Medicare program payments.

124 4 (4) Moneys received from client financial participation.

124 5 (5) Other revenues generated from current, new, or
124 6 expanded services which the state resource center is
124 7 authorized to provide.

124 8 c. For the purposes of allocating the salary adjustment
124 9 fund moneys appropriated in another division of this Act or
124 10 another Act, the state resource centers shall be considered to
124 11 be funded entirely with state moneys.

124 12 d. Notwithstanding section 8.33, up to \$500,000 of a state
124 13 resource center's revenues that remain unencumbered or
124 14 unobligated at the close of the fiscal year shall not revert
124 15 but shall remain available to be used in the succeeding fiscal
124 16 year.

124 17 4. Within the funds appropriated in this section, the
124 18 department may transfer funds as necessary to best fulfill the
124 19 needs of the institutions provided for in the appropriation.

124 20 5. The department may continue to bill for state resource
124 21 center services utilizing a scope of services approach used
124 22 for private providers of ICFMR services, in a manner which
124 23 does not shift costs between the medical assistance program,
124 24 counties, or other sources of funding for the state resource
124 25 centers.

124 26 6. The state resource centers may expand the time limited
124 27 assessment and respite services during the fiscal year.

124 28 7. If the department's administration and the department
124 29 of management concur with a finding by a state resource
124 30 center's superintendent that projected revenues can reasonably
124 31 be expected to pay the salary and support costs for a new
124 32 employee position, or that such costs for adding a particular
124 33 number of new positions for the fiscal year would be less than
124 34 the overtime costs if new positions would not be added, the
124 35 superintendent may add the new position or positions. If the
125 1 vacant positions available to a resource center do not include
125 2 the position classification desired to be filled, the state
125 3 resource center's superintendent may reclassify any vacant
125 4 position as necessary to fill the desired position. The
125 5 superintendents of the state resource centers may, by mutual
125 6 agreement, pool vacant positions and position classifications
125 7 during the course of the fiscal year in order to assist one
125 8 another in filling necessary positions.

125 9 8. If existing capacity limitations are reached in
125 10 operating units, a waiting list is in effect for a service or
125 11 a special need for which a payment source or other funding is
125 12 available for the service or to address the special need, and
125 13 facilities for the service or to address the special need can
125 14 be provided within the available payment source or other
125 15 funding, the superintendent of a state resource center may
125 16 authorize opening not more than two units or other facilities
125 17 and to begin implementing the service or addressing the
125 18 special need during fiscal year 2004=2005.

125 19 Sec. 131. MI/MR/DD STATE CASES. There is appropriated
125 20 from the general fund of the state to the department of human
125 21 services for the fiscal year beginning July 1, 2004, and
125 22 ending June 30, 2005, the following amount, or so much thereof
125 23 as is necessary, to be used for the purpose designated:

125 24 For purchase of local services for persons with mental
125 25 illness, mental retardation, and developmental disabilities
125 26 where the client has no established county of legal
125 27 settlement:

125 28 \$ 11,014,619

125 29 The general assembly encourages the department to continue
125 30 discussions with the Iowa state association of counties and
125 31 administrators of county central point of coordination offices
125 32 regarding proposals for moving state cases to county budgets.
125 33 Sec. 132. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
125 34 COMMUNITY SERVICES FUND. There is appropriated from the
125 35 general fund of the state to the mental health and
126 1 developmental disabilities community services fund created in
126 2 section 225C.7 for the fiscal year beginning July 1, 2004, and
126 3 ending June 30, 2005, the following amount, or so much thereof
126 4 as is necessary, to be used for the purpose designated:
126 5 For mental health and developmental disabilities community
126 6 services in accordance with this division of this Act:
126 7 \$ 17,757,890
126 8 1. Of the funds appropriated in this section, \$17,727,890
126 9 shall be allocated to counties for funding of community-based
126 10 mental health and developmental disabilities services. The
126 11 moneys shall be allocated to a county as follows:
126 12 a. Fifty percent based upon the county's proportion of the
126 13 state's population of persons with an annual income which is
126 14 equal to or less than the poverty guideline established by the
126 15 federal office of management and budget.
126 16 b. Fifty percent based upon the county's proportion of the
126 17 state's general population.
126 18 2. a. A county shall utilize the funding the county
126 19 receives pursuant to subsection 1 for services provided to
126 20 persons with a disability, as defined in section 225C.2.
126 21 However, no more than 50 percent of the funding shall be used
126 22 for services provided to any one of the service populations.
126 23 b. A county shall use at least 50 percent of the funding
126 24 the county receives under subsection 1 for contemporary
126 25 services provided to persons with a disability, as described
126 26 in rules adopted by the department.
126 27 3. Of the funds appropriated in this section, \$30,000
126 28 shall be used to support the Iowa compass program providing
126 29 computerized information and referral services for Iowans with
126 30 disabilities and their families.
126 31 4. a. Funding appropriated for purposes of the federal
126 32 social services block grant is allocated for distribution to
126 33 counties for local purchase of services for persons with
126 34 mental illness or mental retardation or other developmental
126 35 disability.
127 1 b. The funds allocated in this subsection shall be
127 2 expended by counties in accordance with the county's approved
127 3 county management plan. A county without an approved county
127 4 management plan shall not receive allocated funds until the
127 5 county's management plan is approved.
127 6 c. The funds provided by this subsection shall be
127 7 allocated to each county as follows:
127 8 (1) Fifty percent based upon the county's proportion of
127 9 the state's population of persons with an annual income which
127 10 is equal to or less than the poverty guideline established by
127 11 the federal office of management and budget.
127 12 (2) Fifty percent based upon the amount provided to the
127 13 county for local purchase of services in the preceding fiscal
127 14 year.
127 15 5. A county is eligible for funds under this section if
127 16 the county qualifies for a state payment as described in
127 17 section 331.439.
127 18 Sec. 133. PERSONAL ASSISTANCE. There is appropriated from
127 19 the general fund of the state to the department of human
127 20 services for the fiscal year beginning July 1, 2004, and
127 21 ending June 30, 2005, the following amount, or so much thereof
127 22 as is necessary, to be used for the purpose designated:
127 23 For continuation of a pilot project for the personal
127 24 assistance services program in accordance with this section:
127 25 \$ 205,748
127 26 1. The funds appropriated in this section shall be used to
127 27 continue the pilot project for the personal assistance
127 28 services program under section 225C.46 in an urban and a rural
127 29 area. Not more than 10 percent of the amount appropriated
127 30 shall be used for administrative costs. The pilot project
127 31 shall not be implemented in a manner which would require
127 32 additional county or state costs for assistance provided to an
127 33 individual served under the pilot project.
127 34 2. In accordance with 2001 Iowa Acts, chapter 191, section
127 35 25, subsection 2, new applicants shall not be accepted into
128 1 the pilot project. An individual receiving services under the
128 2 pilot project as of June 30, 2004, shall continue receiving
128 3 services until the individual voluntarily leaves the project
128 4 or until another program with similar services exists.

128 5 Sec. 134. SEXUALLY VIOLENT PREDATORS.
128 6 1. There is appropriated from the general fund of the
128 7 state to the department of human services for the fiscal year
128 8 beginning July 1, 2004, and ending June 30, 2005, the
128 9 following amount, or so much thereof as is necessary, to be
128 10 used for the purpose designated:
128 11 For costs associated with the commitment and treatment of
128 12 sexually violent predators in the unit located at the state
128 13 mental health institute at Cherokee, including costs of legal
128 14 services and other associated costs, including salaries,
128 15 support, maintenance, and miscellaneous purposes:
128 16 \$ 2,833,646
128 17 2. Unless specifically prohibited by law, if the amount
128 18 charged provides for recoupment of at least the entire amount
128 19 of direct and indirect costs, the department of human services
128 20 may contract with other states to provide care and treatment
128 21 of persons placed by the other states at the unit for sexually
128 22 violent predators at Cherokee. The moneys received under such
128 23 a contract shall be considered to be repayment receipts and
128 24 used for the purposes of the appropriation made in this
128 25 section.
128 26 Sec. 135. FIELD OPERATIONS. There is appropriated from
128 27 the general fund of the state to the department of human
128 28 services for the fiscal year beginning July 1, 2004, and
128 29 ending June 30, 2005, the following amount, or so much thereof
128 30 as is necessary, to be used for the purposes designated:
128 31 1. For field operations, including salaries, support,
128 32 maintenance, and miscellaneous purposes and for not more than
128 33 the following full-time equivalent positions:
128 34 \$ 53,097,364
128 35 FTEs 1,844.49
129 1 Priority in filling full-time equivalent positions shall be
129 2 given to those positions related to child protection services.
129 3 2. In operating the service area system established
129 4 pursuant to 2001 Iowa Acts, Second Extraordinary Session,
129 5 chapter 4, for the fiscal year beginning July 1, 2004, and
129 6 ending June 30, 2005, the department shall utilize the service
129 7 areas and service area administrators in lieu of regions and
129 8 regional administrators, notwithstanding the references to
129 9 department regions or regional administrators in sections
129 10 232.2, 232.52, 232.68, 232.72, 232.102, 232.117, 232.127,
129 11 232.143, 232.188, and 234.35, or other provision in law. The
129 12 department shall submit proposed legislation under section
129 13 2.16 for consideration by the Eighty-first General Assembly,
129 14 2005 Session, to correct the references in the necessary Code
129 15 sections.
129 16 Sec. 136. GENERAL ADMINISTRATION. There is appropriated
129 17 from the general fund of the state to the department of human
129 18 services for the fiscal year beginning July 1, 2004, and
129 19 ending June 30, 2005, the following amount, or so much thereof
129 20 as is necessary, to be used for the purpose designated:
129 21 For general administration, including salaries, support,
129 22 maintenance, and miscellaneous purposes and for not more than
129 23 the following full-time equivalent positions:
129 24 \$ 11,089,434
129 25 FTEs 292.00
129 26 Of the funds appropriated in this section, \$57,000 is
129 27 allocated for the prevention of disabilities policy council
129 28 established in section 225B.3.
129 29 Sec. 137. VOLUNTEERS. There is appropriated from the
129 30 general fund of the state to the department of human services
129 31 for the fiscal year beginning July 1, 2004, and ending June
129 32 30, 2005, the following amount, or so much thereof as is
129 33 necessary, to be used for the purpose designated:
129 34 For development and coordination of volunteer services:
129 35 \$ 109,568
130 1 Sec. 138. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
130 2 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
130 3 DEPARTMENT OF HUMAN SERVICES.
130 4 1. a. (1) For the fiscal year beginning July 1, 2004,
130 5 nursing facilities shall be reimbursed at 100 percent of the
130 6 modified price-based case-mix reimbursement rate. Nursing
130 7 facilities reimbursed under the medical assistance program
130 8 shall submit annual cost reports and additional documentation
130 9 as required by rules adopted by the department.
130 10 (2) For the fiscal year beginning July 1, 2004, the total
130 11 state funding amount for the nursing facility budget shall not
130 12 exceed \$156,013,248. For the fiscal year beginning July 1,
130 13 2004, and ending June 30, 2005, nursing facilities reimbursed
130 14 under the case-mix reimbursement system shall have their
130 15 allowable cost calculations adjusted by applying the most

130 16 recently published HCFA/SNF index. For the purpose of this
130 17 subparagraph, the HCFA/SNF index means the HCFA total skilled
130 18 nursing facility market basket index published by data
130 19 resources, inc. The department, in cooperation with nursing
130 20 facility representatives, shall review projections for state
130 21 funding expenditures for reimbursement of nursing facilities
130 22 on a quarterly basis and the department shall determine if an
130 23 adjustment to the medical assistance reimbursement rate is
130 24 necessary in order to provide reimbursement within the state
130 25 funding amount. Any temporary enhanced federal financial
130 26 participation that may become available to the Iowa medical
130 27 assistance program during the fiscal year shall not be used in
130 28 projecting the nursing facility budget. Notwithstanding 2001
130 29 Iowa Acts, chapter 192, section 4, subsection 2, paragraph
130 30 "c", and subsection 3, paragraph "a", subparagraph (2), if the
130 31 state funding expenditures for the nursing facility budget for
130 32 the fiscal year beginning July 1, 2004, is projected to exceed
130 33 the amount specified in this subparagraph, the department
130 34 shall adjust the inflation factor of the reimbursement rate
130 35 calculation for only the nursing facilities reimbursed under
131 1 the case-mix reimbursement system to maintain expenditures of
131 2 the nursing facility budget within the specified amount.
131 3 b. For the fiscal year beginning July 1, 2004, the
131 4 department shall reimburse pharmacy dispensing fees using a
131 5 single rate of \$4.26 per prescription, or the pharmacy's usual
131 6 and customary fee, whichever is lower.
131 7 c. For the fiscal year beginning July 1, 2004,
131 8 reimbursement rates for inpatient and outpatient hospital
131 9 services shall remain at the rates in effect on June 30, 2004.
131 10 The department shall continue the outpatient hospital
131 11 reimbursement system based upon ambulatory patient groups
131 12 implemented pursuant to 1994 Iowa Acts, chapter 1186, section
131 13 25, subsection 1, paragraph "f". In addition, the department
131 14 shall continue the revised medical assistance payment policy
131 15 implemented pursuant to that paragraph to provide
131 16 reimbursement for costs of screening and treatment provided in
131 17 the hospital emergency room if made pursuant to the
131 18 prospective payment methodology developed by the department
131 19 for the payment of outpatient services provided under the
131 20 medical assistance program. Any rebasing of hospital
131 21 inpatient or outpatient rates shall not increase total
131 22 payments for inpatient and outpatient services.
131 23 d. For the fiscal year beginning July 1, 2004,
131 24 reimbursement rates for rural health clinics, hospices,
131 25 independent laboratories, and acute mental hospitals shall be
131 26 increased in accordance with increases under the federal
131 27 Medicare program or as supported by their Medicare audited
131 28 costs.
131 29 e. (1) For the fiscal year beginning July 1, 2004,
131 30 reimbursement rates for home health agencies shall remain at
131 31 the rates in effect on June 30, 2004.
131 32 (2) Notwithstanding 2003 Iowa Acts, chapter 112, section
131 33 7, subsection 7, the department shall establish a fixed-fee
131 34 reimbursement schedule for home health agencies under the
131 35 medical assistance program beginning July 1, 2005. The
132 1 department shall submit a status report regarding the
132 2 development of the fixed-fee schedule to the fiscal committee
132 3 of the legislative council no later than September 1, 2004.
132 4 f. For the fiscal year beginning July 1, 2004, federally
132 5 qualified health centers shall receive cost-based
132 6 reimbursement for 100 percent of the reasonable costs for the
132 7 provision of services to recipients of medical assistance.
132 8 g. Beginning July 1, 2004, the reimbursement rates for
132 9 dental services shall remain at the rates in effect on June
132 10 30, 2004.
132 11 h. Beginning July 1, 2004, the reimbursement rates for
132 12 community mental health centers shall remain at the rates in
132 13 effect on June 30, 2004.
132 14 i. For the fiscal year beginning July 1, 2004, the maximum
132 15 reimbursement rate for psychiatric medical institutions for
132 16 children shall remain at the rate in effect on June 30, 2004,
132 17 based on per day rates for actual costs.
132 18 j. For the fiscal year beginning July 1, 2004, unless
132 19 otherwise specified in this Act, all noninstitutional medical
132 20 assistance provider reimbursement rates shall remain at the
132 21 rates in effect on June 30, 2004, except for area education
132 22 agencies, local education agencies, infant and toddler
132 23 services providers, and those providers whose rates are
132 24 required to be determined pursuant to section 249A.20.
132 25 k. Notwithstanding section 249A.20, the average
132 26 reimbursement rates for health care providers eligible for use

132 27 of the federal Medicare resource-based relative value scale
132 28 reimbursement methodology under that section shall remain at
132 29 the rate in effect on June 30, 2004; however, this rate shall
132 30 not exceed the maximum level authorized by the federal
132 31 government.

132 32 2. For the fiscal year beginning July 1, 2004, the
132 33 reimbursement rate for residential care facilities shall not
132 34 be less than the minimum payment level as established by the
132 35 federal government to meet the federally mandated maintenance
133 1 of effort requirement. The flat reimbursement rate for
133 2 facilities electing not to file semiannual cost reports shall
133 3 not be less than the minimum payment level as established by
133 4 the federal government to meet the federally mandated
133 5 maintenance of effort requirement.

133 6 3. For the fiscal year beginning July 1, 2004, the
133 7 reimbursement rate for providers reimbursed under the in-home=
133 8 related care program shall not be less than the minimum
133 9 payment level as established by the federal government to meet
133 10 the federally mandated maintenance of effort requirement.

133 11 4. Unless otherwise directed in this section, when the
133 12 department's reimbursement methodology for any provider
133 13 reimbursed in accordance with this section includes an
133 14 inflation factor, this factor shall not exceed the amount by
133 15 which the consumer price index for all urban consumers
133 16 increased during the calendar year ending December 31, 2002.

133 17 5. Notwithstanding section 234.38, in the fiscal year
133 18 beginning July 1, 2004, the foster family basic daily
133 19 maintenance rate and the maximum adoption subsidy rate for
133 20 children ages 0 through 5 years shall be \$14.28, the rate for
133 21 children ages 6 through 11 years shall be \$15.07, the rate for
133 22 children ages 12 through 15 years shall be \$16.83, and the
133 23 rate for children ages 16 and older shall be \$16.83.

133 24 6. For the fiscal year beginning July 1, 2004, the maximum
133 25 reimbursement rates for social service providers shall remain
133 26 at the rates in effect on June 30, 2004. However, the rates
133 27 may be adjusted under any of the following circumstances:

133 28 a. If a new service was added after June 30, 2004, the
133 29 initial reimbursement rate for the service shall be based upon
133 30 actual and allowable costs.

133 31 b. If a social service provider loses a source of income
133 32 used to determine the reimbursement rate for the provider, the
133 33 provider's reimbursement rate may be adjusted to reflect the
133 34 loss of income, provided that the lost income was used to
133 35 support actual and allowable costs of a service purchased
134 1 under a purchase of service contract.

134 2 7. The group foster care reimbursement rates paid for
134 3 placement of children out of state shall be calculated
134 4 according to the same rate-setting principles as those used
134 5 for in-state providers unless the director of human services
134 6 or the director's designee determines that appropriate care
134 7 cannot be provided within the state. The payment of the daily
134 8 rate shall be based on the number of days in the calendar
134 9 month in which service is provided.

134 10 8. For the fiscal year beginning July 1, 2004, the
134 11 reimbursement rates for rehabilitative treatment and support
134 12 services providers shall remain at the rates in effect on June
134 13 30, 2004.

134 14 9. For the fiscal year beginning July 1, 2004, the
134 15 combined service and maintenance components of the
134 16 reimbursement rate paid for shelter care services purchased
134 17 under a contract shall be based on the financial and
134 18 statistical report submitted to the department. The maximum
134 19 reimbursement rate shall be \$83.69 per day. The department
134 20 shall reimburse a shelter care provider at the provider's
134 21 actual and allowable unit cost, plus inflation, not to exceed
134 22 the maximum reimbursement rate. Notwithstanding section
134 23 232.141, subsection 8, for the fiscal year beginning July 1,
134 24 2004, the amount of the statewide average of the actual and
134 25 allowable rates for reimbursement of juvenile shelter care
134 26 homes that is utilized for the limitation on recovery of
134 27 unpaid costs shall remain at the same amount in effect for
134 28 this purpose in the preceding fiscal year.

134 29 10. For the fiscal year beginning July 1, 2004, the
134 30 department shall calculate reimbursement rates for
134 31 intermediate care facilities for persons with mental
134 32 retardation at the 80th percentile.

134 33 11. For the fiscal year beginning July 1, 2004, for child
134 34 care providers, the department shall set provider
134 35 reimbursement rates based on the rate reimbursement survey
135 1 completed in December 1998. The department shall set rates in
135 2 a manner so as to provide incentives for a nonregistered

135 3 provider to become registered.

135 4 12. For the fiscal year beginning July 1, 2004,
135 5 reimbursements for providers reimbursed by the department of
135 6 human services may be modified if appropriated funding is
135 7 allocated for that purpose from the senior living trust fund
135 8 created in section 249H.4, or as specified in appropriations
135 9 from the healthy Iowans tobacco trust created in section
135 10 12.65.

135 11 13. The department may adopt emergency rules to implement
135 12 this section.

135 13 Sec. 139. ADOPTION SUBSIDY PROGRAM.

135 14 1. a. It is the intent of the general assembly that the
135 15 department of human services maximize receipt of the federal
135 16 funding available for the adoption subsidy program. The
135 17 department may renegotiate existing adoption agreements solely
135 18 for the purpose of maximizing federal funding. However, any
135 19 revision of the existing adoption monthly maintenance payment
135 20 agreement shall not result in the reduction of benefits to
135 21 these adoptive families.

135 22 b. The limitation on attorney fees under the program shall
135 23 be \$500 per recipient.

135 24 c. The department of human services shall attempt to
135 25 develop a method to obtain federal matching funds for adoption
135 26 subsidy program recipients' out-of-pocket payments to
135 27 attorneys for the portion of attorney fees that exceed the
135 28 limitation on attorney fees under the program.

135 29 d. The department of human services shall attempt to
135 30 obtain federal matching funds for adoption subsidy program
135 31 recipients' out-of-pocket payments for child care fees that
135 32 exceed the applicable reimbursement rate established under the
135 33 child care assistance program.

135 34 e. If cost-effective and in compliance with federal law
135 35 and regulation, the department of human services may implement
136 1 a sliding benefit scale based upon income, for all or a
136 2 portion of the adoption presubsidy or preadoptive subsidy
136 3 agreements entered into on or after July 1, 2004.

136 4 2. It is the intent of the general assembly that beginning
136 5 July 1, 2004, adoption subsidy agreements entered into on or
136 6 after that date shall be administered uniformly throughout the
136 7 state.

136 8 3. a. Beginning July 1, 2004, the child care subsidy
136 9 payments for individuals who enter into presubsidy or
136 10 preadoptive subsidy agreements shall be governed by the
136 11 provisions of the department of human services' child care
136 12 assistance programs.

136 13 b. (1) Individuals who entered into presubsidy or
136 14 preadoptive subsidy agreements on or before June 30, 2004,
136 15 shall continue to receive a child care subsidy,
136 16 notwithstanding any income guidelines specified under the
136 17 child care assistance program, and shall not be required to
136 18 meet the specifications of a specialized program as specified
136 19 in the administrative rules, but beginning July 1, 2004, the
136 20 child care subsidy rate shall be governed by the rate ceilings
136 21 under the department of human services' child care assistance
136 22 program.

136 23 (2) The department shall notify these individuals within
136 24 thirty days of the effective date of this section of this Act
136 25 of the potential change in the determination of the child care
136 26 subsidy rate described under this subsection, and the process
136 27 for requesting an exception to policy.

136 28 (3) If an individual requests an exception to policy and
136 29 the exception is approved, the individual shall continue to
136 30 receive the child care subsidy rate in effect for the
136 31 individual prior to July 1, 2004, and shall be reimbursed the
136 32 difference between the prior rate and the new rate for the
136 33 period of time that the new rate was applied.

136 34 4. It is the intent of the general assembly that any rules
136 35 relating to the adoption subsidy program for which the
137 1 effective date of the rules is delayed pursuant to section
137 2 17A.8, subsection 9, shall take effect unless legislation
137 3 enacted by the general assembly conflicts with such rules.

137 4 5. The legislative council is requested to establish an
137 5 interim study committee to review the adoption subsidy
137 6 program, which includes a review of current practices
137 7 regarding the determination of subsidy levels, disparities in
137 8 subsidy levels among regions of the state, program cost and
137 9 benefits, the fiscal and programmatic impact of projected
137 10 future program growth, a thorough analysis of the demographic
137 11 factors of the adoptive families as well as the adoptive
137 12 children's special needs, and quantification of savings in
137 13 other programs and services resulting from the utilization of

137 14 the adoption subsidy program. The interim study committee
137 15 shall seek input from the department of human services,
137 16 adoptive parents, and others with experience or expertise
137 17 relating to the adoption subsidy program and related services
137 18 and supports. The interim study committee shall submit a
137 19 report of findings and recommendations to the general assembly
137 20 not later than December 1, 2004.

137 21 Sec. 140. TRANSFER AUTHORITY. Subject to the provisions
137 22 of section 8.39, for the fiscal year beginning July 1, 2004,
137 23 if necessary to meet federal maintenance of effort
137 24 requirements or to transfer federal temporary assistance for
137 25 needy families block grant funding to be used for purposes of
137 26 the federal social services block grant or to meet cash flow
137 27 needs resulting from delays in receiving federal funding or to
137 28 implement, in accordance with this division of this Act,
137 29 targeted case management for child protection and for
137 30 activities currently funded with juvenile court services,
137 31 county, or community moneys and state moneys used in
137 32 combination with such moneys, the department of human services
137 33 may transfer within or between any of the appropriations made
137 34 in this division of this Act and appropriations in law for the
137 35 federal social services block grant to the department for the
138 1 following purposes, provided that the combined amount of state
138 2 and federal temporary assistance for needy families block
138 3 grant funding for each appropriation remains the same before
138 4 and after the transfer:

- 138 5 1. For the family investment program.
- 138 6 2. For child care assistance.
- 138 7 3. For child and family services.
- 138 8 4. For field operations.
- 138 9 5. For general administration.
- 138 10 6. MH/MR/DD/BI community services (local purchase).

138 11 This section shall not be construed to prohibit existing
138 12 state transfer authority for other purposes.

138 13 Sec. 141. FRAUD AND RECOUPMENT ACTIVITIES. During the
138 14 fiscal year beginning July 1, 2004, notwithstanding the
138 15 restrictions in section 239B.14, recovered moneys generated
138 16 through fraud and recoupment activities are appropriated to
138 17 the department of human services to be used for additional
138 18 fraud and recoupment activities performed by the department of
138 19 human services or the department of inspections and appeals,
138 20 and the department of human services may add not more than
138 21 five full-time equivalent positions, in addition to those
138 22 funded in this division of this Act, subject to both of the
138 23 following conditions:

- 138 24 1. The director of human services determines that the
138 25 investment can reasonably be expected to increase recovery of
138 26 assistance paid in error, due to fraudulent or nonfraudulent
138 27 actions, in excess of the amount recovered in the fiscal year
138 28 beginning July 1, 1997.
- 138 29 2. The amount expended for the additional fraud and
138 30 recoupment activities shall not exceed the amount of the
138 31 projected increase in assistance recovered.

138 32 Sec. 142. MEDICAL ASSISTANCE PROGRAM == NONREVERSION FOR
138 33 FY 2003=2004. Notwithstanding section 8.33, if moneys
138 34 appropriated in 2003 Iowa Acts, chapter 175, for the medical
138 35 assistance program from the general fund of the state, the
139 1 senior living trust fund, or the hospital trust fund, or in
139 2 2003 Iowa Acts, chapter 183, from the healthy Iowans tobacco
139 3 trust are in excess of actual expenditures for the medical
139 4 assistance program and remain unencumbered or unobligated at
139 5 the close of the fiscal year, the excess moneys shall not
139 6 revert, and notwithstanding any provision of law to the
139 7 contrary, shall not be transferred to any other appropriation
139 8 but shall remain available for expenditure for the purpose
139 9 designated until the close of the succeeding fiscal year. Of
139 10 the amount remaining available, the department of human
139 11 services may use up to \$2,300,000 to draw down the maximum
139 12 amount of disproportionate share hospital reimbursement under
139 13 the medical assistance program as provided in the federal
139 14 Prescription Drug and Medicare Improvement Act of 2003. Any
139 15 amounts received shall be distributed in accordance with the
139 16 regular disproportionate share hospital program paid out of
139 17 the graduate medical education and disproportionate share
139 18 fund. To the extent allowed under Title XIX of the federal
139 19 Social Security Act, any hospital qualifying for
139 20 disproportionate share hospital reimbursement shall provide
139 21 evidence to the department that the hospital provides or
139 22 participates in a disease management program.

139 23 Sec. 143. EMERGENCY RULES. If specifically authorized by
139 24 a provision of this division of this Act, the department of

139 25 human services or the mental health and developmental
139 26 disabilities commission may adopt administrative rules under
139 27 section 17A.4, subsection 2, and section 17A.5, subsection 2,
139 28 paragraph "b", to implement the provisions and the rules shall
139 29 become effective immediately upon filing or on a later
139 30 effective date specified in the rules, unless the effective
139 31 date is delayed by the administrative rules review committee.
139 32 Any rules adopted in accordance with this section shall not
139 33 take effect before the rules are reviewed by the
139 34 administrative rules review committee. The delay authority
139 35 provided to the administrative rules review committee under
140 1 section 17A.4, subsection 5, and section 17A.8, subsection 9,
140 2 shall be applicable to a delay imposed under this section,
140 3 notwithstanding a provision in those sections making them
140 4 inapplicable to section 17A.5, subsection 2, paragraph "b".
140 5 Any rules adopted in accordance with the provisions of this
140 6 section shall also be published as notice of intended action
140 7 as provided in section 17A.4.

140 8 Sec. 144. REPORTS.

140 9 1. Any reports or information required to be compiled and
140 10 submitted under this division of this Act shall be submitted
140 11 to the chairpersons and ranking members of the joint
140 12 appropriations subcommittee on health and human services, the
140 13 legislative services agency, and the legislative caucus staffs
140 14 on or before the dates specified for submission of the reports
140 15 or information.

140 16 2. In order to reduce mailing and paper processing costs,
140 17 the department shall provide, to the extent feasible, reports,
140 18 notices, minutes, and other documents by electronic means to
140 19 those persons who have the capacity to access the documents in
140 20 that manner.

140 21 Sec. 145. LAW INAPPLICABLE FOR FISCAL YEAR 2004=2005.

140 22 1. The following provisions in Code or rule shall be
140 23 suspended for the period beginning July 1, 2004, and ending
140 24 June 30, 2005:

140 25 a. The requirements of section 239B.2A, relating to school
140 26 attendance by children participating in the family investment
140 27 program.

140 28 b. For a case permanency plan, as defined in section
140 29 232.2, the requirement for a six-month case permanency plan
140 30 review for an intact family.

140 31 2. The department may adopt emergency rules to implement
140 32 the provisions of this section.

140 33 Sec. 146. NEW SECTION. 217.14 REFUGEE SERVICES
140 34 FOUNDATION.

140 35 1. The department of human services shall cause a refugee
141 1 services foundation to be created for the sole purpose of
141 2 engaging in refugee resettlement activities to promote the
141 3 welfare and self-sufficiency of refugees who live in Iowa and
141 4 who are not citizens of the United States. The foundation may
141 5 establish an endowment fund to assist in the financing of its
141 6 activities. The foundation shall be incorporated under
141 7 chapter 504A.

141 8 2. The foundation shall be created in a manner so that
141 9 donations and bequests to the foundation qualify as tax
141 10 deductible under federal and state income tax laws. The
141 11 foundation is not a state agency and shall not exercise
141 12 sovereign power of the state. The state is not liable for any
141 13 debts of the foundation.

141 14 3. The refugee services foundation shall have a board of
141 15 directors of five members. One member shall be appointed by
141 16 the governor and four members shall be appointed by the
141 17 director of human services. Members of the board shall serve
141 18 three-year terms beginning on July 1, and ending on June 30.
141 19 A vacancy on the board shall be filled in the same manner as
141 20 the original appointment for the remainder of the term. Not
141 21 more than two members appointed by the director of human
141 22 services shall be of the same gender or of the same political
141 23 party.

141 24 4. The refugee services foundation may accept and
141 25 administer trusts deemed by the board to be beneficial.
141 26 Notwithstanding section 633.63, the foundation may act as
141 27 trustee of such a trust.

141 28 Sec. 147. NEW SECTION. 217.45 FAITH=BASED AND COMMUNITY=
141 29 BASED ORGANIZATIONS NETWORK.

141 30 1. A statewide, nonprofit agency that receives a subgrant
141 31 to assist faith-based and community-based organizations to
141 32 develop coalitions and partnerships shall be designated as the
141 33 central office for faith-based and community-based
141 34 initiatives.

141 35 2. The department shall designate one department employee

142 1 in each of the service areas to act as a liaison to faith=
142 2 based and community-based organizations in the service area.
142 3 3. The primary functions of a liaison for a service area
142 4 under this section are as follows:
142 5 a. To communicate with faith-based and community-based
142 6 organizations regarding the need for private community
142 7 services to benefit persons in need of assistance who would
142 8 otherwise require financial or other assistance under public
142 9 programs administered by state or local government.
142 10 b. To promote the involvement of faith-based and
142 11 community-based organizations in working to meet community
142 12 needs for assistance.
142 13 c. To coordinate efforts to promote involvement of faith=
142 14 based and community-based organizations in providing community
142 15 services with efforts similar to those of state agencies.
142 16 d. To promote cooperation and coordination among public
142 17 agencies and faith-based and community-based organizations.
142 18 e. To provide technical assistance to faith-based and
142 19 community-based organizations in writing grant applications,
142 20 training, mentoring, financial management, and obtaining not=
142 21 for-profit designations.
142 22 4. The department shall submit a report annually by
142 23 January 15 to the governor and the general assembly regarding
142 24 the activities of the faith-based and community-based
142 25 organizations network provided for in this section.

142 26 Sec. 148. Section 232.141, subsection 1, Code 2003, is
142 27 amended to read as follows:

142 28 1. Except as otherwise provided by law, the court shall
142 29 inquire into the ability of the child or the child's parent to
142 30 pay expenses incurred pursuant to ~~subsection~~ subsections 2,
142 31 ~~and subsection 4,~~ and, ~~after 8.~~ After giving the parent a
142 32 reasonable opportunity to be heard, the court may order the
142 33 parent to pay all or part of the costs of the child's care,
142 34 examination, treatment, legal expenses, or other expenses. An
142 35 order entered under this section does not obligate a parent
143 1 paying child support under a custody decree, except that part
143 2 of the monthly support payment may be used to satisfy the
143 3 obligations imposed by the order entered pursuant to this
143 4 section. If a parent fails to pay as ordered, without good
143 5 reason, the court may proceed against the parent for contempt
143 6 and may inform the county attorney who shall proceed against
143 7 the parent to collect the unpaid amount. Any payment ordered
143 8 by the court shall be a judgment against each of the child's
143 9 parents and a lien as provided in section 624.23. If all or
143 10 part of the amount that the parents are ordered to pay is
143 11 subsequently paid by the county or state, the judgment and
143 12 lien shall thereafter be against each of the parents in favor
143 13 of the county to the extent of the county's payments and in
143 14 favor of the state to the extent of the state's payments.

143 15 Sec. 149. Section 234.39, Code 2003, is amended by adding
143 16 the following new subsection:

143 17 NEW SUBSECTION. 6. A support obligation for a shelter
143 18 care placement shall be determined under section 232.141.

143 19 Sec. 150. NEW SECTION. 249A.34 MEDICAL ASSISTANCE MENTAL
143 20 HEALTH QUALITY OF CARE IMPROVEMENT COMMITTEE.

143 21 1. The department shall establish a medical assistance
143 22 mental health quality of care improvement committee. The
143 23 committee membership shall include members of the public
143 24 representing mental health advocates, mental health care
143 25 consumers, and mental health care providers, including
143 26 providers in private psychiatric practice, as well as
143 27 geriatric psychiatry, institutional psychiatry, and child
143 28 psychiatry disciplines. The membership shall also include a
143 29 designee of each of the following: the medical assistance
143 30 pharmaceutical and therapeutics committee created pursuant to
143 31 section 249A.20A, the university of Iowa hospitals and clinics
143 32 department of psychiatry, the Iowa medical assistance drug
143 33 utilization review commission created in section 249A.24, the
143 34 contractor for the medical assistance program managed care
143 35 mental health contract, the director of public health, and the

144 1 director of human services.

144 2 2. The medical assistance mental health quality of care
144 3 improvement committee shall advise the department in the
144 4 implementation of all of the following:

144 5 a. Clinical treatment algorithms for schizophrenia, major
144 6 depressive disorder, and bipolar disorder. The algorithms
144 7 shall be utilized in lieu of policies restricting access to
144 8 care and medication and shall not be subject to prior
144 9 authorization requirements or medication preferences. This
144 10 paragraph shall not apply to any prior authorization provision
144 11 in force on June 30, 2004, imposed under the existing managed

144 12 care mental health care contract or any extension of that
144 13 contract.
144 14 b. A mental health polypharmacy review process, including
144 15 but not limited to data collection and analysis and medical
144 16 service provider education.
144 17 3. The medical assistance mental health quality of care
144 18 improvement committee shall, on an ongoing basis, review and
144 19 after a cost-benefit analysis may recommend other mechanisms
144 20 to promote medical assistance patient access to improved
144 21 quality of care and the use of other cost saving mechanisms,
144 22 including but not limited to implementing disease management
144 23 programs for mental health disorders, expanding assertive
144 24 community treatment programs, improving methods for gathering
144 25 and analyzing data regarding the delivery of mental health
144 26 care, and implementing other effective treatment programs.
144 27 4. This section is repealed July 1, 2007.

144 28 Sec. 151. NEW SECTION. 249A.35 MEDICAL ASSISTANCE CRISIS
144 29 INTERVENTION TEAM.

144 30 1. A medical assistance crisis intervention team is
144 31 created. The team shall consist of the following members:
144 32 a. The president of the university of Iowa.
144 33 b. A representative of the Iowa hospital association.
144 34 c. A representative of the Iowa medical society.
144 35 d. A representative of the Iowa pharmacy association.
145 1 e. A representative of the Iowa health care association.
145 2 f. A representative of the federation of Iowa insurers.
145 3 g. A representative of the Iowa association of community
145 4 providers.
145 5 h. A representative of the medical assistance advisory
145 6 council established pursuant to section 249A.4, subsection 8.
145 7 i. Two members selected by the president of the university
145 8 of Iowa.
145 9 2. The president of the university of Iowa shall act as
145 10 the chairperson of the team. Members of the team are entitled
145 11 to receive reimbursement of actual expenses incurred in the
145 12 discharge of their duties.
145 13 3. The department of human services shall provide staff to
145 14 the team as determined by the division administrator of the
145 15 division of medical services.
145 16 4. The team shall do all of the following:
145 17 a. Provide a projection of medical assistance program and
145 18 administrative costs through June 30, 2008, based on services
145 19 provided as of June 30, 2004.
145 20 b. Hold at least four monthly public meetings, beginning
145 21 in July 2004, in at least four geographically balanced venues
145 22 around the state. The team shall submit a report of its
145 23 findings from these meetings to the general assembly on or
145 24 before December 1, 2004.
145 25 5. The team may provide any additional recommendations to
145 26 the general assembly at any time regarding the medical
145 27 assistance program including but not limited to
145 28 recommendations regarding services, eligibility, rates, care
145 29 management, and program administration.
145 30 6. The department of human services shall assist the team
145 31 as follows:
145 32 a. On or before July 1, 2004, the department shall submit
145 33 to the team and make available to the public an initial
145 34 analysis which includes all of the following data:
145 35 (1) The number of medical assistance program enrolled
146 1 eligibles by cohort grouped on the basis of factors such as
146 2 age, income, disability, and optional eligibility, for the
146 3 period beginning July 1, 1999, and ending June 30, 2004.
146 4 (2) A projection of the number of medical assistance
146 5 program enrolled eligibles in each of the cohorts identified
146 6 in subparagraph (1), for the period beginning July 1, 2005,
146 7 and ending June 30, 2008. The projection shall be accompanied
146 8 by a statement of the underlying assumptions.
146 9 (3) The actual cost of all services and of each service
146 10 for each cohort described in subparagraph (1), for the period
146 11 beginning July 1, 1999, and ending June 30, 2004. The
146 12 analysis of the data shall identify the total cost for each
146 13 cohort, the cost per member per month for each cohort, and the
146 14 twenty most utilized medical procedures or services and the
146 15 ten most prevalent diagnoses associated within each cohort.
146 16 The analysis of the data shall identify, to the greatest
146 17 extent possible, the reason for changes in total costs and the
146 18 costs per member, per month during the period, including but
146 19 not limited to rate adjustments, service utilization, and
146 20 eligibility growth.
146 21 (4) To the extent practical, a comparison of the rates
146 22 paid by commercial insurers to their Iowa provider network and

146 23 the rates paid by Medicare, with the rates paid by the medical
146 24 assistance program for the same services, for the fiscal year
146 25 beginning July 1, 2003, and ending June 30, 2004.

146 26 (5) An estimate of the program costs for the medical
146 27 assistance program for the period beginning July 1, 2005, and
146 28 ending June 30, 2008, based on all of the following
146 29 assumptions:

146 30 (a) The enrollment projections described in subparagraph
146 31 (2) and assuming reasonable change in service utilization
146 32 patterns, but no change in provider rates in effect on June
146 33 30, 2004. The projection shall include total and total
146 34 program costs per member, per month for each cohort and total
146 35 cost and the program cost per member per month for each cohort
147 1 for the period beginning July 1, 2005, and ending June 30,
147 2 2008. The assumptions used in developing the projections
147 3 shall be clearly stated.

147 4 (b) The enrollment projections described in subparagraph
147 5 (2) and assuming reasonable change in service utilization
147 6 patterns, and additionally assuming that all medical
147 7 assistance program fee for service rates are equal to ninety=
147 8 eight percent of the usual and customary charges for such
147 9 service in the fiscal year beginning July 1, 2003, and ending
147 10 June 30, 2004, and grow at an annual rate of two percent
147 11 annually through June 30, 2008, and assuming that commensurate
147 12 changes are made in rates paid to medical assistance program
147 13 managed care organizations.

147 14 (6) If the projections for later years exceed the spending
147 15 standard established in subparagraph (5), subparagraph
147 16 subdivision (b), a base rate and the annual inflation
147 17 adjustments that would result in spending being limited to the
147 18 spending standard established in that paragraph.

147 19 (7) A description of the cost, member, provider, and
147 20 service quality impact of all of the following:

147 21 (a) Application of medical assistance program allowable
147 22 limits on optional services.

147 23 (b) Service utilization control strategies including
147 24 managed care and prior authorization in the pharmacy, medical
147 25 and behavioral, and long-term care areas that have been
147 26 utilized in other states or jurisdictions that could
147 27 potentially be utilized in Iowa. The department shall
147 28 identify the administrative costs associated with each
147 29 strategy.

147 30 (c) Accessible disease management and enhanced primary
147 31 care case management strategies with particular attention to
147 32 the timing of costs and benefits.

147 33 (d) Accessible health promotion strategies and disease
147 34 prevention activities with particular attention to the timing
147 35 of costs and benefits.

148 1 (e) Enhanced surveillance and utilization review, revenue
148 2 collection, estate recovery, and cost avoidance activities in
148 3 future years.

148 4 (f) The federal Prescription Drug and Medicare Improvement
148 5 Act of 2003.

148 6 (g) The program options and cost savings potentially
148 7 associated with reducing the populations of intermediate care
148 8 facilities for the mentally retarded and nursing facilities
148 9 due to the availability of home and community-based services,
148 10 including consumer-directed home care.

148 11 b. The department shall present the analysis described in
148 12 paragraph "a" at the initial meeting of the team in July 2004.
148 13 The department shall adjust, expand, or otherwise modify its
148 14 analysis based on the requests of the team at its subsequent
148 15 monthly meetings and shall assist the team in compiling the
148 16 team's final report to the general assembly.

148 17 Sec. 152. REPORT == MEDICAID PROGRAM FINANCING. On or
148 18 before August 1, 2004, the department of human services shall
148 19 submit a report to the chairpersons and ranking members of the
148 20 joint appropriations subcommittee on health and human
148 21 services, the legislative services agency, the legislative
148 22 caucus staffs, and the medical assistance crisis intervention
148 23 team created in section 249A.35, providing recommendations to
148 24 reduce costs or provide revenue enhancements to reduce the
148 25 projected program and administrative costs of the medical
148 26 assistance program by \$130,000,000 for the fiscal year
148 27 beginning July 1, 2005, and ending June 30, 2006.

148 28 Sec. 153. NEW SECTION. 505.25 INFORMATION PROVIDED TO
148 29 MEDICAL ASSISTANCE PROGRAM.

148 30 A carrier, as defined in section 514C.13, shall enter into
148 31 a health insurance data match program with the department of
148 32 human services for the sole purpose of comparing the names of
148 33 the carrier's insureds with the names of recipients of the

148 34 medical assistance program.
148 35 Sec. 154. 2001 Iowa Acts, chapter 192, section 4,
149 1 subsection 3, paragraphs e and f, are amended to read as
149 2 follows:
149 3 e. The department shall calculate the rate ceiling for the
149 4 direct-care cost component at 120 percent of the median of
149 5 case=mix adjusted costs. Nursing facilities with case=mix
149 6 adjusted costs at 95 percent of the median or greater, shall
149 7 receive an amount equal to their costs not to exceed 120
149 8 percent of the median. Nursing facilities with case=mix
149 9 adjusted costs below 95 percent of the median shall receive an
149 10 excess payment allowance by having their payment rate for the
149 11 direct-care cost component calculated as their case=mix
149 12 adjusted cost plus 100 percent of the difference between 95
149 13 percent of the median and their case=mix adjusted cost, not to
149 14 exceed 10 percent of the median of case=mix adjusted costs.
149 15 Beginning July 1, 2004, nursing facilities with case=mix
149 16 adjusted costs below 95 percent of the median shall receive an
149 17 excess payment allowance by having their payment rate for the
149 18 direct-care cost component calculated as their case=mix
149 19 adjusted cost plus 50 percent of the difference between 95
149 20 percent of the median and their case=mix adjusted cost, not to
149 21 exceed 10 percent of the median of case=mix adjusted costs.
149 22 Any excess payment allowance realized from the direct care
149 23 cost component of the modified price-based case=mix
149 24 reimbursement shall be expended to increase the compensation
149 25 of direct care workers or to increase the ratio of direct care
149 26 workers to residents. The department of human services shall
149 27 implement a new monitoring and reporting system to assess
149 28 compliance with the provisions of this paragraph.
149 29 f. The department shall calculate the rate ceiling for the
149 30 nondirect care cost component at 110 percent of the median of
149 31 non-case=mix adjusted costs. Nursing facilities with non=
149 32 case=mix adjusted costs at 96 percent of the median or greater
149 33 shall receive an amount equal to their costs not to exceed 110
149 34 percent of the median. Nursing facilities with non-case=mix
149 35 adjusted costs below 96 percent of the median shall receive an
150 1 excess payment allowance that is their costs plus 65 percent
150 2 of the difference between 96 percent of the median and their
150 3 non-case=mix adjusted costs, not to exceed 8 percent of the
150 4 median of non-case=mix adjusted costs. Beginning July 1,
150 5 2004, nursing facilities with non-case=mix adjusted costs
150 6 below 96 percent of the median shall receive an excess payment
150 7 allowance that is their costs plus 32.5 percent of the
150 8 difference between 96 percent of the median and their non-
150 9 case=mix adjusted costs, not to exceed 8 percent of the median
150 10 of non-case=mix adjusted costs. Any excess payment allowance
150 11 realized from the nondirect care cost component of the
150 12 modified price-based case=mix reimbursement shall be used to
150 13 fund quality of life improvements. The department of human
150 14 services shall implement a new monitoring and reporting system
150 15 to assess compliance with the provisions of this paragraph.
150 16 Sec. 155. 2002 Iowa Acts, chapter 1174, section 4,
150 17 unnumbered paragraph 3, as amended by 2002 Iowa Acts, Second
150 18 Extraordinary Session, chapter 1003, section 244, is amended
150 19 to read as follows:
150 20 Notwithstanding section 8.33, moneys appropriated under
150 21 this section that are unobligated or unencumbered at the end
150 22 of the fiscal year beginning July 1, 2002, and ending June 30,
150 23 2003, shall not revert, but shall remain available for the
150 24 specific purposes designated in this section until June 30,
150 25 ~~2004~~ 2005.
150 26 Sec. 156. 2003 Iowa Acts, chapter 175, section 13,
150 27 subsection 2, as amended by 2003 Iowa Acts, First
150 28 Extraordinary Session, chapter 2, section 6, is amended to
150 29 read as follows:
150 30 2. The department may either continue or reprocure the
150 31 contract existing on June 30, 2003, with the department's
150 32 fiscal agent. If the department initiates reprocurement of
150 33 the contract, of the amount appropriated in this Act for the
150 34 medical assistance program, up to \$500,000 may be used to
150 35 begin the implementation process.
151 1 Notwithstanding section 8.33, moneys appropriated in this
151 2 subsection that remain unencumbered or unobligated at the
151 3 close of the fiscal year shall not revert but shall remain
151 4 available for expenditure for the specific purposes designated
151 5 in this subsection until the close of the succeeding fiscal
151 6 year.
151 7 Sec. 157. 2003 Iowa Acts, chapter 175, section 9, is
151 8 amended by adding the following new subsection:
151 9 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys

151 10 appropriated in this section that were allocated by the
151 11 department for the purpose of meeting federal food stamp
151 12 electronic benefit transfer requirements that remain
151 13 unencumbered or unobligated at the close of the fiscal year
151 14 shall not revert but shall remain available for expenditure
151 15 for the purpose designated until the close of the succeeding
151 16 fiscal year.

151 17 Sec. 158. 2003 Iowa Acts, chapter 175, section 18,
151 18 subsection 9, is amended to read as follows:

151 19 9. Notwithstanding section 234.35, subsection 1, for the
151 20 fiscal year beginning July 1, 2003, state funding for shelter
151 21 care paid pursuant to section 234.35, subsection 1, paragraph
151 22 "h", shall be limited to ~~\$6,922,509~~ \$10,122,509.

151 23 Sec. 159. 2003 Iowa Acts, chapter 175, section 56,
151 24 subsection 2, paragraph g, is amended to read as follows:

151 25 g. Notwithstanding section 8.33, up to ~~\$500,000~~ \$1,000,000
151 26 of the Iowa veterans home revenues that remain unencumbered or
151 27 unobligated at the close of the fiscal year shall not revert
151 28 but shall remain available to be used in the succeeding fiscal
151 29 year.

151 30 Sec. 160. 2003 Iowa Acts, chapter 178, section 45, is
151 31 amended by adding the following new unnumbered paragraph:

151 32 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
151 33 moneys appropriated in this section that remain unencumbered
151 34 or unobligated at the close of the fiscal year shall not
151 35 revert but shall remain available for expenditure for the
152 1 child and family services until the close of the succeeding
152 2 fiscal year.

152 3 Sec. 161. 2003 Iowa Acts, chapter 179, section 2,
152 4 subsection 2, paragraph b, is amended to read as follows:

152 5 b. ~~For deposit in the risk pool created in the property~~
~~152 6 tax relief fund and for distribution in accordance with~~
~~152 7 section 426B.5, subsection 2 For medical assistance~~
~~152 8 reimbursement, in addition to other appropriations made for~~
~~152 9 purposes of the medical assistance program for the fiscal year~~
~~152 10 beginning July 1, 2004, and ending June 30, 2005:~~

152 11 \$ 2,000,000

152 12 Sec. 162. EFFECTIVE DATES. The following provisions of
152 13 this division of this Act, being deemed of immediate
152 14 importance, take effect upon enactment:

152 15 1. The provision under the appropriation for child and
152 16 family services, relating to requirements of section 232.143
152 17 for representatives of the department of human services and
152 18 juvenile court services to establish a plan for continuing
152 19 group foster care expenditures for the 2004=2005 fiscal year.

152 20 2. The provision under the appropriation for child and
152 21 family services, relating to the state court administrator
152 22 determining allocation of court=ordered services funding by
152 23 June 15, 2004.

152 24 3. The provision relating to nonreversion and prohibited
152 25 transfer of the appropriations for the medical assistance
152 26 program for the fiscal year beginning July 1, 2003, and ending
152 27 June 30, 2004.

152 28 4. The section of this division of this Act creating
152 29 section 249A.35, relating to the medical assistance crisis
152 30 intervention team, takes effect upon enactment.

152 31 5. The provisions in this division of this Act relating to
152 32 insurance carriers providing listings of insureds to the
152 33 department of human services including the provision creating
152 34 section 505.25.

152 35 6. The section of this division of this Act relating to
153 1 the adoption subsidy program.

153 2 7. The provision amending 2002 Iowa Acts, chapter 1174,
153 3 section 4, unnumbered paragraph 3, as amended by 2002 Iowa
153 4 Acts, Second Extraordinary Session, chapter 1003, section 244.

153 5 8. The provision amending 2003 Iowa Acts, chapter 175,
153 6 section 13, subsection 2, as amended by 2003 Iowa Acts, First
153 7 Extraordinary Session, chapter 2, section 6.

153 8 9. The provisions amending 2003 Iowa Acts, chapter 175,
153 9 section 9, section 18, subsection 9, and section 56.

153 10 10. The provision amending 2003 Iowa Acts, chapter 178,
153 11 section 45.

153 12 11. The provision amending 2003 Iowa Acts, chapter 179,
153 13 section 2, subsection 2, paragraph "b".

153 14 DIVISION VI

153 15 SENIOR LIVING AND HOSPITAL TRUST FUNDS

153 16 Sec. 163. DEPARTMENT OF ELDER AFFAIRS. There is
153 17 appropriated from the senior living trust fund created in
153 18 section 249H.4 to the department of elder affairs for the
153 19 fiscal year beginning July 1, 2004, and ending June 30, 2005,
153 20 the following amount, or so much thereof as is necessary, to

153 21 be used for the purpose designated:
 153 22 For the development and implementation of a comprehensive
 153 23 senior living program, including program administration and
 153 24 costs associated with implementation, salaries, support,
 153 25 maintenance, and miscellaneous purposes and for not more than
 153 26 the following full-time equivalent positions:
 153 27 \$ 8,222,118
 153 28 FTEs 2.00
 153 29 1. It is the intent of the general assembly that the
 153 30 department not transfer moneys appropriated to the department
 153 31 for purposes of the assisted living program and adult day care
 153 32 for the fiscal year beginning July 1, 2004.
 153 33 2. Notwithstanding section 249H.7, the department of elder
 153 34 affairs shall distribute up to \$300,000 of the funds
 153 35 appropriated in this section in a manner that will supplement
 154 1 and maximize federal funds under the federal Older Americans
 154 2 Act and shall not use the amount distributed for any
 154 3 administrative purposes of either the department of elder
 154 4 affairs or the area agencies on aging.
 154 5 3. Of the moneys appropriated in this section, \$60,000
 154 6 shall be used for the provision of training to resident
 154 7 advocate committees for elder group homes, as defined in
 154 8 section 231B.1, and licensed health care facilities as defined
 154 9 in section 135C.1.
 154 10 4. Of the moneys appropriated in this section, \$140,000
 154 11 shall be used to provide two additional state long-term care
 154 12 resident advocates.
 154 13 5. Of the moneys appropriated in this section, \$500,000
 154 14 shall be used to provide case management services to elders
 154 15 who are not eligible for the medical assistance program.
 154 16 Sec. 164. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
 154 17 appropriated from the senior living trust fund created in
 154 18 section 249H.4 to the department of inspections and appeals
 154 19 for the fiscal year beginning July 1, 2004, and ending June
 154 20 30, 2005, the following amount, or so much thereof as is
 154 21 necessary, to be used for the purpose designated:
 154 22 For the inspection and certification of assisted living
 154 23 facilities and adult day care services, including program
 154 24 administration and costs associated with implementation,
 154 25 salaries, support, maintenance, and miscellaneous purposes and
 154 26 for not more than the following full-time equivalent
 154 27 positions:
 154 28 \$ 800,000
 154 29 FTEs 6.00
 154 30 Sec. 165. DEPARTMENT OF HUMAN SERVICES. There is
 154 31 appropriated from the senior living trust fund created in
 154 32 section 249H.4 to the department of human services for the
 154 33 fiscal year beginning July 1, 2004, and ending June 30, 2005,
 154 34 the following amounts, or so much thereof as is necessary, to
 154 35 be used for the purposes designated:
 155 1 1. To provide grants to nursing facilities for conversion
 155 2 to assisted living programs or to provide long-term care
 155 3 alternatives, to provide grants to intermediate care
 155 4 facilities for persons with mental retardation for conversion
 155 5 to assisted living programs or home and community-based
 155 6 services, to provide grants to long-term care providers for
 155 7 development of long-term care alternatives, to develop less
 155 8 restrictive community-based services for placement of persons
 155 9 currently residing in state resource centers, and for other
 155 10 purposes specified in this subsection:
 155 11 \$ 20,000,000
 155 12 a. Up to 25 percent of the amount appropriated in this
 155 13 subsection may be used for development of less restrictive
 155 14 community-based services, including community residential
 155 15 living alternatives, with a significant focus on reducing the
 155 16 numbers of persons served in state resource centers and other
 155 17 intermediate care facilities for persons with mental
 155 18 retardation as well as for activities designed to facilitate
 155 19 the planning for or placement of such services and persons.
 155 20 Services provided under this paragraph are not intended to
 155 21 require the closure of nursing facilities.
 155 22 b. Five million dollars of the moneys appropriated in this
 155 23 subsection shall be transferred to the senior living revolving
 155 24 loan program fund created in section 16.182 for the purposes
 155 25 of that section.
 155 26 c. Two million dollars of the moneys appropriated in this
 155 27 subsection shall be transferred to the home and community=
 155 28 based services revolving loan program fund created in section
 155 29 16.183 for the purposes of that section.
 155 30 d. Two million dollars of the moneys appropriated in this
 155 31 subsection shall be transferred to the appropriation in this

155 32 Act from the general fund of the state for the medical
 155 33 assistance program to be used to implement nursing facility
 155 34 provider reimbursements as provided in 2001 Iowa Acts, chapter
 155 35 192, section 4, subsection 2, paragraph "c".
 156 1 2. To supplement the medical assistance appropriation,
 156 2 including program administration and costs associated with
 156 3 implementation, salaries, support, maintenance, and
 156 4 miscellaneous purposes, and for not more than the following
 156 5 full-time equivalent positions:
 156 6 \$101,600,000
 156 7 FTEs 5.00
 156 8 3. To provide reimbursement for health care services and
 156 9 rent expenses to eligible persons through the home and
 156 10 community-based services waiver and the state supplementary
 156 11 assistance program, including program administration and data
 156 12 system costs associated with implementation, salaries,
 156 13 support, maintenance, and miscellaneous purposes:
 156 14 \$ 1,733,406
 156 15 Participation in the rent subsidy program shall be limited
 156 16 to only those persons who are at risk for nursing facility
 156 17 care.
 156 18 4. To implement nursing facility provider reimbursements
 156 19 as provided in 2001 Iowa Acts, chapter 192, section 4,
 156 20 subsection 2, paragraph "c":
 156 21 \$ 29,950,000
 156 22 In order to carry out the purposes of this section, the
 156 23 department shall transfer funds appropriated in this section
 156 24 to supplement other appropriations made to the department of
 156 25 human services.
 156 26 5. Notwithstanding sections 249H.4 and 249H.5, the
 156 27 department of human services may use moneys from the senior
 156 28 living trust fund for cash flow purposes to make payments
 156 29 under the nursing facility or hospital upper payment limit
 156 30 methodology. The amount of any moneys so used shall be
 156 31 refunded to the senior living trust fund within the same
 156 32 fiscal year and in a prompt manner.
 156 33 6. Notwithstanding section 8.33, moneys committed to
 156 34 grantees under contract to provide for conversion to assisted
 156 35 living programs or for development of long-term care
 157 1 alternatives that remain unexpended at the close of the fiscal
 157 2 year shall not revert to any fund but shall remain available
 157 3 for expenditure for purposes of the contract.
 157 4 Sec. 166. INSURANCE DIVISION OF THE DEPARTMENT OF
 157 5 COMMERCE. There is appropriated from the senior living trust
 157 6 fund created in section 249H.4 to the insurance division of
 157 7 the department of commerce for the fiscal year beginning July
 157 8 1, 2004, and ending June 30, 2005, the following amount, or so
 157 9 much thereof as is necessary, to be used for the purpose
 157 10 designated:
 157 11 For administration of the long-term care insurance
 157 12 partnership program including program administration and costs
 157 13 associated with implementation, salaries, support,
 157 14 maintenance, and miscellaneous purposes, and for not more than
 157 15 the following full-time equivalent positions:
 157 16 \$ 265,000
 157 17 FTEs 4.00
 157 18 Sec. 167. CONVERSION GRANT PROJECTS == RULES.
 157 19 1. For the fiscal year beginning July 1, 2004, and ending
 157 20 June 30, 2005, the department of human services shall continue
 157 21 to give greater weight in the scoring methodology to nursing
 157 22 facility conversion projects that are primarily for the
 157 23 renovation and remodeling of the existing nursing facility
 157 24 structure and give less weight to conversion projects that are
 157 25 primarily for new construction. The department of human
 157 26 services shall encourage cooperative efforts between the
 157 27 department of inspections and appeals, the state fire marshal,
 157 28 and the grant applicant to promote the acceptance of nursing
 157 29 facility conversion projects that are primarily renovation and
 157 30 remodeling of the existing nursing facility structure.
 157 31 2. For the fiscal year beginning July 1, 2004, and ending
 157 32 June 30, 2005, the department of inspections and appeals shall
 157 33 certify all assisted living programs established through
 157 34 nursing facility conversion grants. The department of
 157 35 inspections and appeals shall consult with conversion grant
 158 1 applicants and recipients to establish and monitor occupancy
 158 2 agreements and assisted living program residents shall be
 158 3 allowed access to third-party payors.
 158 4 Sec. 168. HOSPITAL TRUST FUND. There is appropriated from
 158 5 the hospital trust fund created in section 249I.4 to the
 158 6 department of human services for the fiscal year beginning
 158 7 July 1, 2004, and ending June 30, 2005, the following amount,

158 8 or so much thereof as is necessary, to be used for the purpose
158 9 designated:

158 10 To supplement the appropriations made for the medical
158 11 assistance program for that fiscal year:

158 12 \$ 37,500,000

158 13 Sec. 169. MEDICAL ASSISTANCE PROGRAM == REVERSION TO
158 14 SENIOR LIVING TRUST FUND FOR FY 2004=2005. Notwithstanding
158 15 section 8.33, if moneys appropriated in this Act for purposes
158 16 of the medical assistance program for the fiscal year
158 17 beginning July 1, 2004, and ending June 30, 2005, from the
158 18 general fund of the state, the senior living trust fund, the
158 19 hospital trust fund, or the healthy Iowans tobacco trust fund
158 20 are in excess of actual expenditures for the medical
158 21 assistance program and remain unencumbered or unobligated at
158 22 the close of the fiscal year, the excess moneys shall not
158 23 revert but shall be transferred to the senior living trust
158 24 fund created in section 249H.4.

158 25 Sec. 170. NEW SECTION. 16.182 SENIOR LIVING REVOLVING
158 26 LOAN PROGRAM FUND.

158 27 1. A senior living revolving loan program fund is created
158 28 within the authority to further the goal of the senior living
158 29 program as specified in section 249H.2. The moneys in the
158 30 senior living revolving loan program fund shall be used by the
158 31 authority for the development and operation of a revolving
158 32 loan program to provide financing to construct affordable
158 33 assisted living and service-enriched affordable housing for
158 34 seniors and persons with disabilities, including through new
158 35 construction or acquisition and rehabilitation.

159 1 2. Moneys received by the authority from the senior living
159 2 trust fund, transferred by the authority for deposit in the
159 3 senior living revolving loan program fund, moneys appropriated
159 4 to the senior living revolving loan program, and any other
159 5 moneys available to and obtained or accepted by the authority
159 6 for placement in the senior living revolving loan program fund
159 7 shall be deposited in the fund. Additionally, payment of
159 8 interest, recaptures of awards, and other repayments to the
159 9 senior living revolving loan program fund shall be deposited
159 10 in the fund. Notwithstanding section 12C.7, subsection 2,
159 11 interest or earnings on moneys in the senior living revolving
159 12 loan program fund shall be credited to the fund.
159 13 Notwithstanding section 8.33, moneys that remain unencumbered
159 14 or unobligated at the end of the fiscal year shall not revert
159 15 but shall remain available for the same purpose in the
159 16 succeeding fiscal year.

159 17 3. The authority shall annually allocate moneys available
159 18 in the senior living revolving loan program fund for the
159 19 development of affordable assisted living and service-enriched
159 20 affordable housing for seniors and persons with disabilities.
159 21 The authority shall develop a joint application process for
159 22 the allocation of federal low-income housing tax credits and
159 23 funds available under this section. Moneys allocated to such
159 24 developments may be in the form of loans, grants, or a
159 25 combination of loans and grants.

159 26 4. The authority shall adopt rules pursuant to chapter 17A
159 27 to administer this section.

159 28 Sec. 171. NEW SECTION. 16.183 HOME AND COMMUNITY=BASED
159 29 SERVICES REVOLVING LOAN PROGRAM FUND.

159 30 1. A home and community-based services revolving loan
159 31 program fund is created within the authority to further the
159 32 goals specified in section 231.3, adult day services, respite
159 33 services, and congregate meals. The moneys in the home and
159 34 community-based services revolving loan program fund shall be
159 35 used by the authority for the development and operation of a
160 1 revolving loan program to develop and expand facilities and
160 2 infrastructure that provide adult day services, respite
160 3 services, and congregate meals that address the needs of
160 4 persons with low incomes.

160 5 2. Moneys received by the authority from the senior living
160 6 trust fund, transferred by the authority for deposit in the
160 7 home and community-based services revolving loan program fund,
160 8 moneys appropriated to the home and community-based services
160 9 revolving loan program, and any other moneys available to and
160 10 obtained or accepted by the authority for placement in the
160 11 home and community-based services revolving loan program fund
160 12 shall be deposited in the fund. Additionally, payment of
160 13 interest, recaptures of awards, and other repayments to the
160 14 senior living revolving loan program fund shall be deposited
160 15 in the fund. Notwithstanding section 12C.7, subsection 2,
160 16 interest or earnings on moneys in the home and community-based
160 17 services revolving loan program fund shall be credited to the
160 18 fund. Notwithstanding section 8.33, moneys that remain

160 19 unencumbered or unobligated at the end of the fiscal year
160 20 shall not revert but shall remain available for the same
160 21 purpose in the succeeding fiscal year.
160 22 3. The authority, in cooperation with the department of
160 23 elder affairs, shall annually allocate moneys available in the
160 24 home and community-based services revolving loan program fund
160 25 to develop and expand facilities and infrastructure that
160 26 provide adult day services, respite services, and congregate
160 27 meals that address the needs of persons with low incomes.
160 28 4. The authority shall adopt rules pursuant to chapter 17A
160 29 to administer this section.

160 30 DIVISION VII
160 31 MENTAL HEALTH, MENTAL RETARDATION,
160 32 DEVELOPMENTAL DISABILITIES,
160 33 AND BRAIN INJURY SERVICES

160 34 Sec. 172. COUNTY HOSPITALS. There is appropriated from
160 35 the general fund of the state to the department of human
161 1 services for the fiscal year beginning July 1, 2004, and
161 2 ending June 30, 2005, the following amount, or so much thereof
161 3 as is necessary, for the purpose designated:

161 4 For support of mental health care services provided to
161 5 persons who are elderly or poor by county hospitals in
161 6 counties having a population of two hundred twenty-five
161 7 thousand or more:

161 8 \$ 200,000

161 9 Sec. 173. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
161 10 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS
161 11 == FISCAL YEAR 2005=2006.

161 12 1. There is appropriated from the general fund of the
161 13 state to the department of human services for the fiscal year
161 14 beginning July 1, 2005, and ending June 30, 2006, the
161 15 following amount, or so much thereof as is necessary, to be
161 16 used for the purpose designated:

161 17 For distribution to counties of the county mental health,
161 18 mental retardation, and developmental disabilities allowed
161 19 growth factor adjustment, as provided in this section in lieu
161 20 of the provisions of section 331.438, subsection 2, and
161 21 section 331.439, subsection 3, and chapter 426B:

161 22 \$ 28,507,362

161 23 2. The funding appropriated in this section is the allowed
161 24 growth factor adjustment for fiscal year 2005=2006, and is
161 25 allocated as follows:

161 26 a. For distribution to counties for fiscal year 2005=2006
161 27 in accordance with the formula in section 331.438, subsection
161 28 2, paragraph "b":

161 29 \$ 12,000,000

161 30 b. For deposit in the per capita expenditure target pool
161 31 created in the property tax relief fund and for distribution
161 32 in accordance with section 426B.5, subsection 1:

161 33 \$ 14,507,362

161 34 c. For deposit in the risk pool created in the property
161 35 tax relief fund and for distribution in accordance with
162 1 section 426B.5, subsection 2:

162 2 \$ 2,000,000

162 3 Sec. 174. Section 331.438, subsection 4, paragraph b, Code
162 4 2003, is amended by adding the following new subparagraph:

162 5 NEW SUBPARAGRAPH. (16) Develop a procedure for each
162 6 county to disclose to the department of human services
162 7 information approved by the commission concerning the mental
162 8 health, mental retardation, developmental disabilities, and
162 9 brain injury services provided to the individuals served
162 10 through the county central point of coordination process. The
162 11 procedure shall incorporate protections to ensure that if
162 12 individually identified information is disclosed, it is
162 13 disclosed and maintained in compliance with applicable Iowa
162 14 and federal confidentiality laws, including but not limited to
162 15 federal Health Insurance Portability and Accountability Act
162 16 requirements.

162 17 Sec. 175. 2003 Iowa Acts, chapter 179, section 2, is
162 18 amended by adding the following new subsections:

162 19 NEW SUBSECTION. 3. The following formula amounts shall be
162 20 utilized only to calculate preliminary distribution amounts
162 21 for fiscal year 2004=2005 under this section by applying the
162 22 indicated formula provisions to the formula amounts and
162 23 producing a preliminary distribution total for each county:

162 24 a. For calculation of an allowed growth factor adjustment
162 25 amount for each county in accordance with the formula in
162 26 section 331.438, subsection 2, paragraph "b":

162 27 \$ 12,000,000

162 28 b. For calculation of a distribution amount for eligible
162 29 counties from the per capita expenditure target pool created

162 30 in the property tax relief fund in accordance with the
162 31 requirements in section 426B.5, subsection 1:
162 32 \$ 19,157,111
162 33 c. For calculation of a distribution amount for counties
162 34 from the mental health and developmental disabilities (MH/DD)
162 35 community services fund in accordance with the formula
163 1 provided in the appropriation made for the MH/DD community
163 2 services fund for the fiscal year beginning July 1, 2003:
163 3 \$ 17,727,890
163 4 NEW SUBSECTION. 4. After applying the applicable
163 5 statutory distribution formulas to the amounts indicated in
163 6 subsection 3 for purposes of producing preliminary
163 7 distribution totals, the department of human services shall
163 8 apply a withholding factor to adjust an eligible individual
163 9 county's preliminary distribution total. An ending balance
163 10 percentage for each county shall be determined by expressing
163 11 the county's ending balance on a modified accrual basis under
163 12 generally accepted accounting principles for the fiscal year
163 13 beginning July 1, 2003, in the county's mental health, mental
163 14 retardation, and developmental disabilities services fund
163 15 created under section 331.424A, as a percentage of the
163 16 county's gross expenditures from that fund for that fiscal
163 17 year. The withholding factor for a county shall be the
163 18 following applicable percent:
163 19 a. For an ending balance percentage of less than 10
163 20 percent, a withholding factor of 0 percent. In addition to
163 21 the county's adjusted distribution total, a county that is
163 22 subject to this paragraph "a" shall receive an inflation
163 23 adjustment equal to 2.6 percent of the gross expenditures
163 24 reported for the county's services fund for that fiscal year.
163 25 b. For an ending balance percentage of 10 through 24
163 26 percent, a withholding factor of 25 percent. However, the
163 27 amount withheld shall be limited to the amount by which the
163 28 county's ending balance was in excess of the ending balance
163 29 percentage of 10 percent.
163 30 c. For an ending balance percentage of 25 percent or more,
163 31 a withholding factor of 100 percent.
163 32 NEW SUBSECTION. 5. The total withholding amounts applied
163 33 pursuant to subsection 4 shall be equal to a withholding
163 34 target amount of \$9,418,362. If the department of human
163 35 services determines that the amount to be withheld in
164 1 accordance with subsection 4 is not equal to the target
164 2 withholding amount, the department shall adjust the
164 3 withholding factors listed in subsection 4 as necessary to
164 4 achieve the withholding target amount. However, in making
164 5 such adjustments to the withholding factors, the department
164 6 shall strive to minimize changes to the withholding factors
164 7 for those ending balance percentage ranges that are lower than
164 8 others and shall not adjust the zero withholding factor or the
164 9 inflation adjustment percentage specified in subsection 4,
164 10 paragraph "a".
164 11 NEW SUBSECTION. 6. Each county shall submit a report to
164 12 the Iowa state association of counties to be shared with the
164 13 legislative services agency on or before January 31, 2005,
164 14 regarding the unaudited expenditures from the county's mental
164 15 health, mental retardation, and developmental disabilities
164 16 services fund.

164 17 DIVISION VIII
164 18 JUDICIAL BRANCH

164 19 Sec. 176. JUDICIAL BRANCH. There is appropriated from the
164 20 general fund of the state to the judicial branch for the
164 21 fiscal year beginning July 1, 2004, and ending June 30, 2005,
164 22 the following amount, or so much thereof as is necessary, to
164 23 be used for the purposes designated:

164 24 For salaries of supreme court justices, appellate court
164 25 judges, district court judges, district associate judges,
164 26 judicial magistrates and staff, state court administrator,
164 27 clerk of the supreme court, district court administrators,
164 28 clerks of the district court, juvenile court officers, board
164 29 of law examiners and board of examiners of shorthand reporters
164 30 and judicial qualifications commission, receipt and
164 31 disbursement of child support payments, reimbursement of the
164 32 auditor of state for expenses incurred in completing audits of
164 33 the offices of the clerks of the district court during the
164 34 fiscal year beginning July 1, 2004, and maintenance,
164 35 equipment, and miscellaneous purposes:

165 1 \$117,837,862
165 2 1. The judicial branch, except for purposes of internal
165 3 processing, shall use the current state budget system, the
165 4 state payroll system, and the Iowa finance and accounting
165 5 system in administration of programs and payments for

165 6 services, and shall not duplicate the state payroll,
165 7 accounting, and budgeting systems.

165 8 2. The judicial branch shall submit monthly financial
165 9 statements to the legislative services agency and the
165 10 department of management containing all appropriated accounts
165 11 in the same manner as provided in the monthly financial status
165 12 reports and personal services usage reports of the department
165 13 of administrative services. The monthly financial statements
165 14 shall include a comparison of the dollars and percentage spent
165 15 of budgeted versus actual revenues and expenditures on a
165 16 cumulative basis for full-time equivalent positions and
165 17 dollars.

165 18 3. The judicial branch shall focus efforts upon the
165 19 collection of delinquent fines, penalties, court costs, fees,
165 20 surcharges, or similar amounts.

165 21 4. It is the intent of the general assembly that the
165 22 offices of the clerks of the district court operate in all
165 23 ninety-nine counties and be accessible to the public as much
165 24 as is reasonably possible in order to address the relative
165 25 needs of the citizens of each county.

165 26 5. The judicial branch shall study the best practices and
165 27 efficiencies of each judicial district. In identifying the
165 28 most efficient judicial districts and the districts using best
165 29 practices, the judicial branch shall consider the average cost
165 30 to the judicial branch for processing each classification of
165 31 criminal offense or civil action and the overall number of
165 32 cases filed. The judicial branch shall file a report
165 33 regarding the study made and actions taken pursuant to this
165 34 subsection with the cochairpersons and ranking members of the
165 35 joint appropriations subcommittee on the justice system and to
166 1 the legislative services agency by December 15, 2004.

166 2 6. In addition to the requirements for transfers under
166 3 section 8.39, the judicial branch shall not change the
166 4 appropriations from the amounts appropriated to the judicial
166 5 branch in this division of this Act, unless notice of the
166 6 revisions is given prior to their effective date to the
166 7 legislative services agency. The notice shall include
166 8 information on the branch's rationale for making the changes
166 9 and details concerning the workload and performance measures
166 10 upon which the changes are based.

166 11 7. The judicial branch shall submit a semiannual update to
166 12 the legislative services agency specifying the amounts of
166 13 fines, surcharges, and court costs collected using the Iowa
166 14 court information system since the last report. The judicial
166 15 branch shall continue to facilitate the sharing of vital
166 16 sentencing and other information with other state departments
166 17 and governmental agencies involved in the criminal justice
166 18 system through the Iowa court information system.

166 19 8. The judicial branch shall provide a report to the
166 20 general assembly by January 1, 2005, concerning the amounts
166 21 received and expended from the enhanced court collections fund
166 22 created in section 602.1304 and the court technology and
166 23 modernization fund created in section 602.8108, subsection 5,
166 24 during the fiscal year beginning July 1, 2003, and ending June
166 25 30, 2004, and the plans for expenditures from each fund during
166 26 the fiscal year beginning July 1, 2004, and ending June 30,
166 27 2005. A copy of the report shall be provided to the
166 28 legislative services agency.

166 29 Sec. 177. JUDICIAL RETIREMENT FUND. There is appropriated
166 30 from the general fund of the state to the judicial retirement
166 31 fund for the fiscal year beginning July 1, 2004, and ending
166 32 June 30, 2005, the following amount, or so much thereof as is
166 33 necessary, to be used for the purpose designated:

166 34 Notwithstanding section 602.9104, for the state's
166 35 contribution to the judicial retirement fund in the amount of
167 1 9.71 percent of the basic salaries of the judges covered under
167 2 chapter 602, article 9:

167 3 \$ 2,039,664

167 4 Sec. 178. APPOINTMENT OF CLERK OF COURT. The appointment
167 5 of a clerk of the district court shall not occur unless the
167 6 state court administrator approves the appointment.

167 7 Sec. 179. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
167 8 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
167 9 required to be provided by the judicial branch for fiscal year
167 10 2004=2005 to the legislative services agency shall be provided
167 11 in an electronic format. The legislative services agency
167 12 shall post the reports on its internet site and shall notify
167 13 by electronic means all the members of the joint
167 14 appropriations subcommittee on the justice system when a
167 15 report is posted. Upon request, copies of the reports may be
167 16 mailed to members of the joint appropriations subcommittee on

167 17 the justice system.

167 18 DIVISION IX
167 19 JUSTICE SYSTEM

167 20 Sec. 180. DEPARTMENT OF JUSTICE.

167 21 1. There is appropriated from the general fund of the
167 22 state to the department of justice for the fiscal year
167 23 beginning July 1, 2004, and ending June 30, 2005, the
167 24 following amounts, or so much thereof as is necessary, to be
167 25 used for the purposes designated:

167 26 a. For the general office of attorney general for
167 27 salaries, support, maintenance, miscellaneous purposes
167 28 including the prosecuting attorneys training program, victim
167 29 assistance grants, office of drug control policy (ODCP)
167 30 prosecuting attorney program, legal services for persons in
167 31 poverty grants as provided in section 13.34, odometer fraud
167 32 enforcement, and for not more than the following full-time
167 33 equivalent positions:

167 34 \$ 7,565,245
167 35 FTEs 208.50

168 1 It is the intent of the general assembly that as a
168 2 condition of receiving the appropriation provided in this
168 3 lettered paragraph, the department of justice shall maintain a
168 4 record of the estimated time incurred representing each agency
168 5 or department.

168 6 b. For victim assistance grants:

168 7 \$ 5,000

168 8 The funds appropriated in this lettered paragraph shall be
168 9 used to provide grants to care providers providing services to
168 10 crime victims of domestic abuse or to crime victims of rape
168 11 and sexual assault.

168 12 2. In addition to the funds appropriated in subsection 1,
168 13 there is appropriated from the general fund of the state to
168 14 the department of justice for the fiscal year beginning July
168 15 1, 2004, and ending June 30, 2005, an amount not exceeding
168 16 \$200,000 to be used for the enforcement of the Iowa
168 17 competition law. The funds appropriated in this subsection
168 18 are contingent upon receipt by the general fund of the state
168 19 of an amount at least equal to the expenditure amount from
168 20 either damages awarded to the state or a political subdivision
168 21 of the state by a civil judgment under chapter 553, if the
168 22 judgment authorizes the use of the award for enforcement
168 23 purposes or costs or attorneys fees awarded the state in state
168 24 or federal antitrust actions. However, if the amounts
168 25 received as a result of these judgments are in excess of
168 26 \$200,000, the excess amounts shall not be appropriated to the
168 27 department of justice pursuant to this subsection. The
168 28 department of justice shall report the department's actual
168 29 costs and an estimate of the time incurred enforcing the
168 30 competition law, to the cochairpersons and ranking members of
168 31 the joint appropriations subcommittee on the justice system,
168 32 and to the legislative services agency by November 15, 2004.

168 33 3. In addition to the funds appropriated in subsection 1,
168 34 there is appropriated from the general fund of the state to
168 35 the department of justice for the fiscal year beginning July
169 1 1, 2004, and ending June 30, 2005, an amount not exceeding
169 2 \$1,125,000 to be used for public education relating to
169 3 consumer fraud and for enforcement of section 714.16, and an
169 4 amount not exceeding \$75,000 for investigation, prosecution,
169 5 and consumer education relating to consumer and criminal fraud
169 6 against older Iowans. The funds appropriated in this
169 7 subsection are contingent upon receipt by the general fund of
169 8 the state of an amount at least equal to the expenditure
169 9 amount from damages awarded to the state or a political
169 10 subdivision of the state by a civil consumer fraud judgment or
169 11 settlement, if the judgment or settlement authorizes the use
169 12 of the award for public education on consumer fraud. However,
169 13 if the funds received as a result of these judgments and
169 14 settlements are in excess of \$1,200,000, the excess funds
169 15 shall not be appropriated to the department of justice
169 16 pursuant to this subsection. The department of justice shall
169 17 report to the cochairpersons and ranking members of the joint
169 18 appropriations subcommittee on the justice system, and to the
169 19 legislative services agency by November 15, 2004, the
169 20 department's actual costs and an estimate of the time incurred
169 21 in providing education pursuant to and enforcing this
169 22 subsection.

169 23 4. The balance of the victim compensation fund established
169 24 in section 915.94 may be used to provide salary and support of
169 25 not more than 20.00 FTEs and to provide maintenance for the
169 26 victim compensation functions of the department of justice.

169 27 5. a. The department of justice, in submitting budget

169 28 estimates for the fiscal year commencing July 1, 2005,
 169 29 pursuant to section 8.23, shall include a report of funding
 169 30 from sources other than amounts appropriated directly from the
 169 31 general fund of the state to the department of justice or to
 169 32 the office of consumer advocate. These funding sources shall
 169 33 include, but are not limited to, reimbursements from other
 169 34 state agencies, commissions, boards, or similar entities, and
 169 35 reimbursements from special funds or internal accounts within
 170 1 the department of justice. The department of justice shall
 170 2 report actual reimbursements for the fiscal year commencing
 170 3 July 1, 2003, and actual and expected reimbursements for the
 170 4 fiscal year commencing July 1, 2004.
 170 5 b. The department of justice shall include the report
 170 6 required under paragraph "a", as well as information regarding
 170 7 any revisions occurring as a result of reimbursements actually
 170 8 received or expected at a later date, in a report to the
 170 9 cochairpersons and ranking members of the joint appropriations
 170 10 subcommittee on the justice system and the legislative
 170 11 services agency. The department of justice shall submit the
 170 12 report on or before January 15, 2005.
 170 13 Sec. 181. DEPARTMENT OF JUSTICE == ENVIRONMENTAL CRIMES
 170 14 INVESTIGATION AND PROSECUTION == FUNDING. There is
 170 15 appropriated from the environmental crime fund of the
 170 16 department of justice, consisting of court-ordered fines and
 170 17 penalties awarded to the department arising out of the
 170 18 prosecution of environmental crimes, to the department of
 170 19 justice for the fiscal year beginning July 1, 2004, and ending
 170 20 June 30, 2005, an amount not exceeding \$20,000 to be used by
 170 21 the department, at the discretion of the attorney general, for
 170 22 the investigation and prosecution of environmental crimes,
 170 23 including the reimbursement of expenses incurred by county,
 170 24 municipal, and other local governmental agencies cooperating
 170 25 with the department in the investigation and prosecution of
 170 26 environmental crimes.
 170 27 The funds appropriated in this section are contingent upon
 170 28 receipt by the environmental crime fund of the department of
 170 29 justice of an amount at least equal to the appropriations made
 170 30 in this section and received from contributions, court-ordered
 170 31 restitution as part of judgments in criminal cases, and
 170 32 consent decrees entered into as part of civil or regulatory
 170 33 enforcement actions. However, if the funds received during
 170 34 the fiscal year are in excess of \$20,000, the excess funds
 170 35 shall be deposited in the general fund of the state.
 171 1 Notwithstanding section 8.33, moneys appropriated in this
 171 2 section that remain unencumbered or unobligated at the close
 171 3 of the fiscal year shall not revert but shall remain available
 171 4 for expenditure for the purpose designated until the close of
 171 5 the succeeding fiscal year.
 171 6 Sec. 182. OFFICE OF CONSUMER ADVOCATE. There is
 171 7 appropriated from the general fund of the state to the office
 171 8 of consumer advocate of the department of justice for the
 171 9 fiscal year beginning July 1, 2004, and ending June 30, 2005,
 171 10 the following amount, or so much thereof as is necessary, to
 171 11 be used for the purposes designated:
 171 12 For salaries, support, maintenance, miscellaneous purposes,
 171 13 and for not more than the following full-time equivalent
 171 14 positions:
 171 15 \$ 2,803,862
 171 16 FTES 27.00
 171 17 Sec. 183. DEPARTMENT OF CORRECTIONS == FACILITIES.
 171 18 1. There is appropriated from the general fund of the
 171 19 state to the department of corrections for the fiscal year
 171 20 beginning July 1, 2004, and ending June 30, 2005, the
 171 21 following amounts, or so much thereof as is necessary, to be
 171 22 used for the purposes designated:
 171 23 For the operation of adult correctional institutions,
 171 24 reimbursement of counties for certain confinement costs, and
 171 25 federal prison reimbursement, to be allocated as follows:
 171 26 a. For the operation of the Fort Madison correctional
 171 27 facility, including salaries, support, maintenance, and
 171 28 miscellaneous purposes:
 171 29 \$ 38,009,504
 171 30 b. For the operation of the Anamosa correctional facility,
 171 31 including salaries, support, maintenance, and miscellaneous
 171 32 purposes:
 171 33 \$ 26,913,551
 171 34 Moneys are provided within this appropriation for one full-
 171 35 time substance abuse counselor for the Luster Heights
 172 1 facility, for the purpose of certification of a substance
 172 2 abuse program at that facility.
 172 3 c. For the operation of the Oakdale correctional facility,

172 4 including salaries, support, maintenance, and miscellaneous
172 5 purposes:
172 6 \$ 23,536,936
172 7 d. For the operation of the Newton correctional facility,
172 8 including salaries, support, maintenance, and miscellaneous
172 9 purposes:
172 10 \$ 24,533,794
172 11 e. For the operation of the Mt. Pleasant correctional
172 12 facility, including salaries, support, maintenance, and
172 13 miscellaneous purposes:
172 14 \$ 22,464,361
172 15 f. For the operation of the Rockwell City correctional
172 16 facility, including salaries, support, maintenance, and
172 17 miscellaneous purposes:
172 18 \$ 7,772,369
172 19 g. For the operation of the Clarinda correctional
172 20 facility, including salaries, support, maintenance, and
172 21 miscellaneous purposes:
172 22 \$ 22,518,204
172 23 Moneys received by the department of corrections as
172 24 reimbursement for services provided to the Clarinda youth
172 25 corporation are appropriated to the department and shall be
172 26 used for the purpose of operating the Clarinda correctional
172 27 facility.
172 28 h. For the operation of the Mitchellville correctional
172 29 facility, including salaries, support, maintenance, and
172 30 miscellaneous purposes:
172 31 \$ 13,190,260
172 32 i. For the operation of the Fort Dodge correctional
172 33 facility, including salaries, support, maintenance, and
172 34 miscellaneous purposes:
172 35 \$ 25,880,530
173 1 j. For reimbursement of counties for temporary confinement
173 2 of work release and parole violators, as provided in sections
173 3 901.7, 904.908, and 906.17 and for offenders confined pursuant
173 4 to section 904.513:
173 5 \$ 674,954
173 6 k. For federal prison reimbursement, reimbursements for
173 7 out-of-state placements, and miscellaneous contracts:
173 8 \$ 241,293
173 9 The department of corrections shall use funds appropriated
173 10 in this subsection to continue to contract for the services of
173 11 a Muslim imam.
173 12 Sec. 184. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
173 13 1. There is appropriated from the general fund of the
173 14 state to the department of corrections for the fiscal year
173 15 beginning July 1, 2004, and ending June 30, 2005, the
173 16 following amounts, or so much thereof as is necessary, to be
173 17 used for the purposes designated:
173 18 a. For general administration, including salaries,
173 19 support, maintenance, employment of an education director to
173 20 administer a centralized education program for the
173 21 correctional system, and miscellaneous purposes:
173 22 \$ 2,784,393
173 23 (1) It is the intent of the general assembly that as a
173 24 condition of receiving the appropriation provided in this
173 25 lettered paragraph, the department of corrections shall not,
173 26 except as otherwise provided in subparagraph (3), enter into a
173 27 new contract, unless the contract is a renewal of an existing
173 28 contract, for the expenditure of moneys in excess of \$100,000
173 29 during the fiscal year beginning July 1, 2004, for the
173 30 privatization of services performed by the department using
173 31 state employees as of July 1, 2004, or for the privatization
173 32 of new services by the department, without prior consultation
173 33 with any applicable state employee organization affected by
173 34 the proposed new contract and prior notification of the
173 35 cochairpersons and ranking members of the joint appropriations
174 1 subcommittee on the justice system.
174 2 (2) It is the intent of the general assembly that each
174 3 lease negotiated by the department of corrections with a
174 4 private corporation for the purpose of providing private
174 5 industry employment of inmates in a correctional institution
174 6 shall prohibit the private corporation from utilizing inmate
174 7 labor for partisan political purposes for any person seeking
174 8 election to public office in this state and that a violation
174 9 of this requirement shall result in a termination of the lease
174 10 agreement.
174 11 (3) It is the intent of the general assembly that as a
174 12 condition of receiving the appropriation provided in this
174 13 lettered paragraph, the department of corrections shall not
174 14 enter into a lease or contractual agreement pursuant to

174 15 section 904.809 with a private corporation for the use of
174 16 building space for the purpose of providing inmate employment
174 17 without providing that the terms of the lease or contract
174 18 establish safeguards to restrict, to the greatest extent
174 19 feasible, access by inmates working for the private
174 20 corporation to personal identifying information of citizens.
174 21 b. For educational programs for inmates at state penal
174 22 institutions:
174 23 \$ 1,008,358
174 24 It is the intent of the general assembly that moneys
174 25 appropriated in this lettered paragraph shall be used solely
174 26 for the purpose indicated and that the moneys shall not be
174 27 transferred for any other purpose. In addition, it is the
174 28 intent of the general assembly that the department shall
174 29 consult with the community colleges in the areas in which the
174 30 institutions are located to utilize moneys appropriated in
174 31 this lettered paragraph to fund the high school completion,
174 32 high school equivalency diploma, adult literacy, and adult
174 33 basic education programs in a manner so as to maintain these
174 34 programs at the institutions.
174 35 To maximize the funding for educational programs, the
175 1 department shall establish guidelines and procedures to
175 2 prioritize the availability of educational and vocational
175 3 training for inmates based upon the goal of facilitating an
175 4 inmate's successful release from the correctional institution.
175 5 The director of the department of corrections may transfer
175 6 moneys from Iowa prison industries for use in educational
175 7 programs for inmates.
175 8 Notwithstanding section 8.33, moneys appropriated in this
175 9 lettered paragraph that remain unobligated or unexpended at
175 10 the close of the fiscal year shall not revert but shall remain
175 11 available for expenditure only for the purpose designated in
175 12 this lettered paragraph until the close of the succeeding
175 13 fiscal year.
175 14 c. For the development of the Iowa corrections offender
175 15 network (ICON) data system:
175 16 \$ 427,700
175 17 2. It is the intent of the general assembly that the
175 18 department of corrections shall continue to operate the
175 19 correctional farms under the control of the department at the
175 20 same or greater level of participation and involvement as
175 21 existed as of January 1, 2004, shall not enter into any rental
175 22 agreement or contract concerning any farmland under the
175 23 control of the department that is not subject to a rental
175 24 agreement or contract as of January 1, 2004, without prior
175 25 legislative approval, and shall further attempt to provide job
175 26 opportunities at the farms for inmates. The department shall
175 27 attempt to provide job opportunities at the farms for inmates
175 28 by encouraging labor-intensive farming or gardening where
175 29 appropriate, using inmates to grow produce and meat for
175 30 institutional consumption, researching the possibility of
175 31 instituting food canning and cook-and-chill operations, and
175 32 exploring opportunities for organic farming and gardening,
175 33 livestock ventures, horticulture, and specialized crops.
175 34 3. The department shall work to increase produce gardening
175 35 by inmates under the control of the correctional institutions,
176 1 and, if appropriate, may use the central distribution network
176 2 at the Woodward state resource center. The department shall
176 3 file a report with the cochairpersons and ranking members of
176 4 the joint appropriations subcommittee on the justice system by
176 5 December 1, 2004, regarding the feasibility of expanding the
176 6 number of acres devoted to organic gardening and to the
176 7 growing of organic produce for sale.
176 8 4. The department of corrections shall submit a report to
176 9 the general assembly by January 1, 2005, concerning moneys
176 10 recouped from inmate earnings for the reimbursement of
176 11 operational expenses of the applicable facility during the
176 12 fiscal year beginning July 1, 2003, for each correctional
176 13 institution and judicial district department of correctional
176 14 services. In addition, each correctional institution and
176 15 judicial district department of correctional services shall
176 16 continue to submit a report to the legislative services agency
176 17 on a monthly basis concerning moneys recouped from inmate
176 18 earnings pursuant to sections 904.702, 904.809, and 905.14.
176 19 5. The department of corrections, in consultation with the
176 20 board of parole, shall study the feasibility of establishing a
176 21 mentoring program using unpaid volunteers to mentor persons
176 22 who are on probation or parole. The department of corrections
176 23 shall file a report regarding the study with the
176 24 cochairpersons and ranking members of the joint appropriations
176 25 subcommittee on the justice system, and the legislative

176 26 services agency by December 15, 2004. The report shall detail
176 27 the feasibility of establishing such a mentoring program.

176 28 Sec. 185. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
176 29 SERVICES.

176 30 1. There is appropriated from the general fund of the
176 31 state to the department of corrections for the fiscal year
176 32 beginning July 1, 2004, and ending June 30, 2005, the
176 33 following amounts, or so much thereof as is necessary, to be
176 34 allocated as follows:

176 35 a. For the first judicial district department of
177 1 correctional services, including the treatment and supervision
177 2 of probation and parole violators who have been released from
177 3 the department of corrections violator program, the following
177 4 amount, or so much thereof as is necessary:

177 5 \$ 10,090,207

177 6 b. For the second judicial district department of
177 7 correctional services, including the treatment and supervision
177 8 of probation and parole violators who have been released from
177 9 the department of corrections violator program, the following
177 10 amount, or so much thereof as is necessary:

177 11 \$ 7,755,402

177 12 c. For the third judicial district department of
177 13 correctional services, including the treatment and supervision
177 14 of probation and parole violators who have been released from
177 15 the department of corrections violator program, the following
177 16 amount, or so much thereof as is necessary:

177 17 \$ 4,631,423

177 18 d. For the fourth judicial district department of
177 19 correctional services, including the treatment and supervision
177 20 of probation and parole violators who have been released from
177 21 the department of corrections violator program, the following
177 22 amount, or so much thereof as is necessary:

177 23 \$ 4,248,965

177 24 e. For the fifth judicial district department of
177 25 correctional services, including the treatment and supervision
177 26 of probation and parole violators who have been released from
177 27 the department of corrections violator program, the following
177 28 amount, or so much thereof as is necessary:

177 29 \$ 12,982,837

177 30 f. For the sixth judicial district department of
177 31 correctional services, including the treatment and supervision
177 32 of probation and parole violators who have been released from
177 33 the department of corrections violator program, the following
177 34 amount, or so much thereof as is necessary:

177 35 \$ 10,064,717

178 1 g. For the seventh judicial district department of
178 2 correctional services, including the treatment and supervision
178 3 of probation and parole violators who have been released from
178 4 the department of corrections violator program, the following
178 5 amount, or so much thereof as is necessary:

178 6 \$ 5,677,314

178 7 h. For the eighth judicial district department of
178 8 correctional services, including the treatment and supervision
178 9 of probation and parole violators who have been released from
178 10 the department of corrections violator program, the following
178 11 amount, or so much thereof as is necessary:

178 12 \$ 5,574,865

178 13 2. Each judicial district department of correctional
178 14 services, within the funding available, shall continue
178 15 programs and plans established within that district to provide
178 16 for intensive supervision, sex offender treatment, diversion
178 17 of low-risk offenders to the least restrictive sanction
178 18 available, job development, and expanded use of intermediate
178 19 criminal sanctions.

178 20 3. Each judicial district department of correctional
178 21 services shall provide alternatives to prison consistent with
178 22 chapter 901B. The alternatives to prison shall ensure public
178 23 safety while providing maximum rehabilitation to the offender.
178 24 A judicial district department may also establish a day
178 25 program.

178 26 4. The governor's office of drug control policy shall
178 27 consider federal grants made to the department of corrections
178 28 for the benefit of each of the eight judicial district
178 29 departments of correctional services as local government
178 30 grants, as defined pursuant to federal regulations.

178 31 Sec. 186. INTENT == REPORTS.

178 32 1. The department of corrections shall submit a report on
178 33 inmate labor to the general assembly, to the cochairpersons
178 34 and the ranking members of the joint appropriations
178 35 subcommittee on the justice system, and to the legislative
179 1 services agency by January 15, 2005. The report shall

179 2 specifically address the progress the department has made in
179 3 implementing the requirements of section 904.701, inmate labor
179 4 on capital improvement projects, community work crews, inmate
179 5 produce gardening, and private-sector employment.
179 6 2. The department in cooperation with townships, the Iowa
179 7 cemetery associations, and other nonprofit or governmental
179 8 entities may use inmate labor to restore or preserve rural
179 9 cemeteries and historical landmarks. The department in
179 10 cooperation with the counties may also use inmate labor to
179 11 clean up roads, major water sources, and other water sources
179 12 around the state. Any governmental entity or nonprofit agency
179 13 using inmate labor pursuant to this subsection shall be immune
179 14 from civil or employer liability.

179 15 3. The department shall provide a report that details the
179 16 inmate capacity for each county jail, detention facility, or
179 17 municipal jail. The report shall also include population data
179 18 of the jails and detention facilities, and options for
179 19 integrating jails and detention facilities into the department
179 20 of corrections. The department shall file the report with the
179 21 cochairpersons and ranking members of the joint appropriations
179 22 subcommittee on the justice system and the legislative
179 23 services agency by December 15 of each year. The department
179 24 shall also coordinate and provide information to the counties
179 25 regarding available inmate bed space in each county jail,
179 26 detention facility, or municipal jail.

179 27 4. Each month the department shall provide a status report
179 28 regarding private-sector employment to the legislative
179 29 services agency beginning on July 1, 2004. The report shall
179 30 include the number of offenders employed in the private
179 31 sector, the combined number of hours worked by the offenders,
179 32 and the total amount of allowances, and the distribution of
179 33 allowances pursuant to section 904.702, including any moneys
179 34 deposited in the general fund of the state.

179 35 Sec. 187. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

180 1 1. As used in this section, unless the context otherwise
180 2 requires, "state agency" means the government of the state of
180 3 Iowa, including but not limited to all executive branch
180 4 departments, agencies, boards, bureaus, and commissions, the
180 5 judicial branch, the general assembly and all legislative
180 6 agencies, institutions within the purview of the state board
180 7 of regents, and any corporation whose primary function is to
180 8 act as an instrumentality of the state.

180 9 2. State agencies are hereby encouraged to purchase
180 10 products from Iowa state industries, as defined in section
180 11 904.802, when purchases are required and the products are
180 12 available from Iowa state industries. State agencies shall
180 13 obtain bids from Iowa state industries for purchases of office
180 14 furniture exceeding \$5,000 or in accordance with applicable
180 15 administrative rules related to purchases for the agency.

180 16 Sec. 188. STATE PUBLIC DEFENDER. There is appropriated
180 17 from the general fund of the state to the office of the state
180 18 public defender of the department of inspections and appeals
180 19 for the fiscal year beginning July 1, 2004, and ending June
180 20 30, 2005, the following amounts, or so much thereof as is
180 21 necessary, to be allocated as follows for the purposes
180 22 designated:

180 23 1. For salaries, support, maintenance, and miscellaneous
180 24 purposes, and for not more than the following full-time
180 25 equivalent positions:
180 26 \$ 16,663,446
180 27 FTEs 202.00

180 28 2. For the fees of court-appointed attorneys for indigent
180 29 adults and juveniles, in accordance with section 232.141 and
180 30 chapter 815:
180 31 \$ 19,355,297

180 32 Sec. 189. IOWA LAW ENFORCEMENT ACADEMY.

180 33 1. There is appropriated from the general fund of the
180 34 state to the Iowa law enforcement academy for the fiscal year
180 35 beginning July 1, 2004, and ending June 30, 2005, the
181 1 following amount, or so much thereof as is necessary, to be
181 2 used for the purposes designated:

181 3 For salaries, support, maintenance, miscellaneous purposes,
181 4 including jailer training and technical assistance, and for
181 5 not more than the following full-time equivalent positions:
181 6 \$ 1,066,890
181 7 FTEs 30.05

181 8 It is the intent of the general assembly that the Iowa law
181 9 enforcement academy may provide training of state and local
181 10 law enforcement personnel concerning the recognition of and
181 11 response to persons with Alzheimer's disease.

181 12 2. The Iowa law enforcement academy may select at least

181 13 five automobiles of the department of public safety, division
181 14 of the Iowa state patrol, prior to turning over the
181 15 automobiles to the department of administrative services to be
181 16 disposed of by public auction and the Iowa law enforcement
181 17 academy may exchange any automobile owned by the academy for
181 18 each automobile selected if the selected automobile is used in
181 19 training law enforcement officers at the academy. However,
181 20 any automobile exchanged by the academy shall be substituted
181 21 for the selected vehicle of the department of public safety
181 22 and sold by public auction with the receipts being deposited
181 23 in the depreciation fund to the credit of the department of
181 24 public safety, division of the Iowa state patrol.

181 25 Sec. 190. BOARD OF PAROLE. There is appropriated from the
181 26 general fund of the state to the board of parole for the
181 27 fiscal year beginning July 1, 2004, and ending June 30, 2005,
181 28 the following amount, or so much thereof as is necessary, to
181 29 be used for the purposes designated:

181 30 For salaries, support, maintenance, miscellaneous purposes,
181 31 and for not more than the following full-time equivalent
181 32 positions:

181 33	\$	1,067,910
181 34	FTEs	16.50

181 35 Sec. 191. DEPARTMENT OF PUBLIC DEFENSE. There is
182 1 appropriated from the general fund of the state to the
182 2 department of public defense for the fiscal year beginning
182 3 July 1, 2004, and ending June 30, 2005, the following amounts,
182 4 or so much thereof as is necessary, to be used for the
182 5 purposes designated:

182 6 1. MILITARY DIVISION

182 7 For salaries, support, maintenance, miscellaneous purposes,
182 8 and for not more than the following full-time equivalent
182 9 positions:

182 10	\$	5,084,143
182 11	FTEs	310.80

182 12 If there is a surplus in the general fund of the state for
182 13 the fiscal year ending June 30, 2005, within 60 days after the
182 14 close of the fiscal year, the military division may incur up
182 15 to an additional \$500,000 in expenditures from the surplus
182 16 prior to transfer of the surplus pursuant to section 8.57.

182 17 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

182 18 For salaries, support, maintenance, miscellaneous purposes,
182 19 and for not more than the following full-time equivalent
182 20 positions:

182 21	\$	1,123,400
182 22	FTEs	25.25

182 23 Sec. 192. DEPARTMENT OF PUBLIC SAFETY. There is
182 24 appropriated from the general fund of the state to the
182 25 department of public safety for the fiscal year beginning July
182 26 1, 2004, and ending June 30, 2005, the following amounts, or
182 27 so much thereof as is necessary, to be used for the purposes
182 28 designated:

182 29 1. For the department's administrative functions,
182 30 including the criminal justice information system, and for not
182 31 more than the following full-time equivalent positions:

182 32	\$	2,654,732
182 33	FTEs	37.00

182 34 2. For the division of criminal investigation and bureau
183 1 of identification, including the state's contribution to the
183 2 peace officers' retirement, accident, and disability system
183 3 provided in chapter 97A in the amount of 17 percent of the
183 4 salaries for which the funds are appropriated, to meet federal
183 5 fund matching requirements, and for not more than the
183 6 following full-time equivalent positions:

183 7	\$	14,058,510
183 8	FTEs	221.50

183 9 The department of public safety, with the approval of the
183 10 department of management, may employ no more than two special
183 11 agents and four gaming enforcement officers for each
183 12 additional riverboat regulated after July 1, 2004, and one
183 13 special agent for each racing facility which becomes
183 14 operational during the fiscal year which begins July 1, 2004.
183 15 One additional gaming enforcement officer, up to a total of
183 16 four per riverboat, may be employed for each riverboat that
183 17 has extended operations to 24 hours and has not previously
183 18 operated with a 24-hour schedule. Positions authorized in
183 19 this paragraph are in addition to the full-time equivalent
183 20 positions otherwise authorized in this subsection.

183 21 3. a. For the division of narcotics enforcement,
183 22 including the state's contribution to the peace officers'
183 23 retirement, accident, and disability system provided in
chapter 97A in the amount of 17 percent of the salaries for

183 24 which the funds are appropriated, to meet federal fund
 183 25 matching requirements, and for not more than the following
 183 26 full-time equivalent positions:
 183 27 \$ 3,930,089
 183 28 FTEs 59.00
 183 29 b. For the division of narcotics enforcement for
 183 30 undercover purchases:
 183 31 \$ 123,343
 183 32 4. a. For the state fire marshal's office, including the
 183 33 state's contribution to the peace officers' retirement,
 183 34 accident, and disability system provided in chapter 97A in the
 183 35 amount of 17 percent of the salaries for which the funds are
 184 1 appropriated, and for not more than the following full-time
 184 2 equivalent positions:
 184 3 \$ 2,181,998
 184 4 FTEs 39.00
 184 5 b. For the state fire marshal's office, for fire
 184 6 protection services as provided through the state fire service
 184 7 and emergency response council as created in the department,
 184 8 and for not more than the following full-time equivalent
 184 9 positions:
 184 10 \$ 638,021
 184 11 FTEs 12.00
 184 12 5. For the division of the Iowa state patrol of the
 184 13 department of public safety, for salaries, support,
 184 14 maintenance, workers' compensation costs, and miscellaneous
 184 15 purposes, including the state's contribution to the peace
 184 16 officers' retirement, accident, and disability system provided
 184 17 in chapter 97A in the amount of 17 percent of the salaries for
 184 18 which the funds are appropriated, and for not more than the
 184 19 following full-time equivalent positions:
 184 20 \$ 42,517,133
 184 21 FTEs 536.00
 184 22 It is the intent of the general assembly that members of
 184 23 the Iowa state patrol be assigned to patrol the highways and
 184 24 roads in lieu of assignments for inspecting school buses for
 184 25 the school districts.
 184 26 It is the intent of the general assembly that approximately
 184 27 one-half of the members of the Iowa state patrol assigned to
 184 28 District 16 be reassigned to patrol duties on the highways and
 184 29 roads, and that candidates from the department of public
 184 30 safety's training school fill vacant positions at District 16
 184 31 due to the reassignment.
 184 32 In addition to the amount appropriated in this subsection,
 184 33 there is transferred from the moneys credited during the
 184 34 fiscal year beginning July 1, 2004, to the depreciation fund
 184 35 maintained by the department of administrative services
 185 1 pursuant to section 8A.365, for purposes of the motor pool, to
 185 2 the vehicle depreciation account maintained by the department
 185 3 of public safety for vehicles utilized by the division of the
 185 4 Iowa state patrol. During the fiscal year the department of
 185 5 administrative services shall credit to the depreciation fund
 185 6 at least \$475,000 for purposes of the motor pool. The moneys
 185 7 shall be transferred to the department of public safety on a
 185 8 monthly basis. Moneys transferred pursuant to this paragraph
 185 9 are appropriated to the department of public safety for
 185 10 purposes of vehicle replacement for the division of the Iowa
 185 11 state patrol. Notwithstanding section 8.33, moneys
 185 12 transferred in this paragraph that remain unencumbered or
 185 13 unobligated at the close of the fiscal year shall not revert
 185 14 but shall remain available for expenditure from the department
 185 15 of public safety's vehicle depreciation account for the
 185 16 purposes designated until the close of the fiscal year that
 185 17 begins July 1, 2005.
 185 18 6. For deposit in the public safety law enforcement sick
 185 19 leave benefits fund established under section 80.42, for all
 185 20 departmental employees eligible to receive benefits for
 185 21 accrued sick leave under the collective bargaining agreement:
 185 22 \$ 316,179
 185 23 An employee of the department of public safety who retires
 185 24 after July 1, 2004, but prior to June 30, 2005, is eligible
 185 25 for payment of life or health insurance premiums as provided
 185 26 for in the collective bargaining agreement covering the public
 185 27 safety bargaining unit at the time of retirement if that
 185 28 employee previously served in a position which would have been
 185 29 covered by the agreement. The employee shall be given credit
 185 30 for the service in that prior position as though it were
 185 31 covered by that agreement. The provisions of this subsection
 185 32 shall not operate to reduce any retirement benefits an
 185 33 employee may have earned under other collective bargaining
 185 34 agreements or retirement programs.

185 35 7. For costs associated with the training and equipment
 186 1 needs of volunteer fire fighters and for not more than the
 186 2 following full-time equivalent position:
 186 3 \$ 559,587
 186 4 FTEs 1.00
 186 5 Notwithstanding section 8.33, moneys appropriated in this
 186 6 subsection that remain unobligated or unexpended at the close
 186 7 of the fiscal year shall not revert but shall remain available
 186 8 for expenditure only for the purpose designated in this
 186 9 subsection until the close of the succeeding fiscal year.
 186 10 Sec. 193. CIVIL RIGHTS COMMISSION. There is appropriated
 186 11 from the general fund of the state to the Iowa state civil
 186 12 rights commission for the fiscal year beginning July 1, 2004,
 186 13 and ending June 30, 2005, the following amount, or so much
 186 14 thereof as is necessary, to be used for the purposes
 186 15 designated:
 186 16 For salaries, support, maintenance, miscellaneous purposes,
 186 17 and for not more than the following full-time equivalent
 186 18 positions:
 186 19 \$ 825,752
 186 20 FTEs 28.00
 186 21 The Iowa state civil rights commission may enter into a
 186 22 contract with a nonprofit organization to provide legal
 186 23 assistance to resolve civil rights complaints.
 186 24 Sec. 194. Section 8D.9, Code Supplement 2003, is amended
 186 25 by adding the following new subsection:
 186 26 NEW SUBSECTION. 4. A community college receiving federal
 186 27 funding to conduct first responder training and testing
 186 28 regarding homeland security first responder communication and
 186 29 technology-related research and development projects shall be
 186 30 authorized to utilize the network for testing purposes.
 186 31 Sec. 195. Section 13B.4, subsection 2, Code Supplement
 186 32 2003, as amended by 2004 Iowa Acts, House File 2138, section
 186 33 1, if enacted, is amended to read as follows:
 186 34 2. The state public defender shall file a notice with the
 186 35 clerk of the district court in each county served by a public
 187 1 defender designating which public defender office shall
 187 2 receive notice of appointment of cases. The state public
 187 3 defender may also designate a nonprofit organization which
 187 4 ~~contracts~~ has a contract with the state public defender to
 187 5 provide legal services to eligible indigent persons prior to
 187 6 July 1, 2004. Except as otherwise provided, in each county in
 187 7 which the state public defender files a designation, the state
 187 8 public defender's designee shall be appointed by the court to
 187 9 represent all eligible indigents, in all of the cases and
 187 10 proceedings specified in the designation. The appointment
 187 11 shall not be made if the state public defender notifies the
 187 12 court that the public defender designee will not provide legal
 187 13 representation in certain cases as identified in the
 187 14 designation by the state public defender.
 187 15 Sec. 196. Section 85.66, Code 2003, is amended to read as
 187 16 follows:
 187 17 85.66 SECOND INJURY FUND == CREATION == CUSTODIAN.
 187 18 The "Second Injury Fund" is hereby established under the
 187 19 custody of the treasurer of state and shall consist of
 187 20 payments to the fund as provided by this division and any
 187 21 accumulated interest and earnings on moneys in the second
 187 22 injury fund. The treasurer of state is charged with the
 187 23 conservation of the assets of the second injury fund. Moneys
 187 24 collected in the "Second Injury Fund" shall be disbursed only
 187 25 for the purposes stated in this division, and shall not at any
 187 26 time be appropriated or diverted to any other use or purpose.
 187 27 The treasurer of state shall invest any surplus moneys of the
 187 28 fund in securities which constitute legal investments for
 187 29 state funds under the laws of this state, and may sell any of
 187 30 the securities in which the fund is invested, if necessary,
 187 31 for the proper administration or in the best interests of the
 187 32 fund. Disbursements from the fund shall be paid by the
 187 33 treasurer of state only upon the written order of the workers'
 187 34 compensation commissioner. The attorney general shall be
 187 35 reimbursed up to fifty thousand dollars annually from the fund
 188 1 for services provided related to the fund. The treasurer of
 188 2 state shall quarterly prepare a statement of the fund, setting
 188 3 forth the balance of moneys in the fund, the income of the
 188 4 fund, specifying the source of all income, the payments out of
 188 5 the fund, specifying the various items of payments, and
 188 6 setting forth the balance of the fund remaining to its credit.
 188 7 The statement shall be open to public inspection in the office
 188 8 of the treasurer of state.
 188 9 Sec. 197. Section 85.67, Code 2003, is amended to read as
 188 10 follows:

188 11 85.67 ADMINISTRATION OF FUND == SPECIAL COUNSEL == PAYMENT
188 12 OF AWARD.

188 13 The attorney general shall appoint a staff member to
188 14 represent the treasurer of state and the fund in all
188 15 proceedings and matters arising under this division. The
188 16 attorney general shall be reimbursed up to fifty thousand
188 17 dollars annually from the fund for services provided related
188 18 to the fund. The commissioner of insurance shall consider the
188 19 reimbursement to the attorney general as an outstanding
188 20 liability when making a determination of funding availability
188 21 under section 85.65A, subsection 2. In making an award under
188 22 this division, the workers' compensation commissioner shall
188 23 specifically find the amount the injured employee shall be
188 24 paid weekly, the number of weeks of compensation which shall
188 25 be paid by the employer, the date upon which payments out of
188 26 the fund shall begin, and, if possible, the length of time the
188 27 payments shall continue.

188 28 Sec. 198. NEW SECTION. 564.9 DEPARTMENT OF NATURAL
188 29 RESOURCES == ACCESS.

188 30 1. The department of natural resources shall grant the
188 31 owner of a parcel of land access to a public road if any of
188 32 the following applies:

188 33 a. It is otherwise impossible for the owner to access the
188 34 public road because the parcel is surrounded by land held by
188 35 the department.

189 1 b. The parcel is otherwise surrounded by land with a
189 2 topography that makes access unreasonable.

189 3 c. Access by another way would cause degradation or
189 4 destroy the integrity of the land.

189 5 2. The department may grant access to the owner by the
189 6 sale, exchange, or other transfer of land or by the grant of
189 7 an easement.

189 8 3. A person entitled to access as provided in this section
189 9 may construct a road for automobile traffic from the parcel to
189 10 the public road. The owner shall be responsible for
189 11 constructing and maintaining any private road from the parcel
189 12 to the public road which shall not be more than twenty feet in
189 13 width unless otherwise agreed to by the parties.

189 14 Sec. 199. Section 602.8107, subsection 4, unnumbered
189 15 paragraph 1, Code Supplement 2003, is amended to read as
189 16 follows:

189 17 All fines, penalties, court costs, fees, surcharges, and
189 18 restitution for court-appointed attorney fees or for expenses
189 19 of a public defender which are deemed delinquent by the clerk
189 20 pursuant to subsection 3 may be collected by the county
189 21 attorney or the county attorney's designee. Thirty-five
189 22 percent of the amounts collected by the county attorney or the
189 23 person procured or designated by the county attorney shall be
189 24 deposited in the general fund of the county if the county
189 25 attorney has filed the notice required in section 331.756,
189 26 subsection 5, unless the county attorney has discontinued
189 27 collection efforts on a particular delinquent amount. The Up
189 28 to one million two hundred thousand dollars of the remainder
189 29 shall be paid each fiscal year to the clerk clerks for
189 30 distribution under section 602.8108. If the threshold amount
189 31 of one million two hundred thousand dollars has been

189 32 distributed under section 602.8108, the remainder shall be
189 33 distributed as provided in subsection 4A. The state court
189 34 administrator shall notify the clerks that the threshold
189 35 amount has been distributed under section 602.8108, and that
190 1 the distribution of any additional moneys collected by the
190 2 county attorney shall be as provided in subsection 4A.

190 3 Sec. 200. Section 602.8107, Code Supplement 2003, is
190 4 amended by adding the following new subsection:
190 5 NEW SUBSECTION. 4A. After the threshold amount has been
190 6 distributed under section 602.8108 as provided in subsection
190 7 4, thirty-five percent of any additional moneys collected by
190 8 the county attorney or the person procured or designated by
190 9 the county attorney shall be deposited in the general fund of
190 10 the county, and thirty-three percent of any additional moneys
190 11 collected by the county attorney or the person procured or
190 12 designated by the county attorney shall be deposited with the
190 13 office of the county attorney. The remainder shall be paid to
190 14 the clerk for distribution under section 602.8108.

190 15 Sec. 201. Section 815.9, subsection 1, paragraphs a and b,
190 16 Code 2003, are amended to read as follows:

190 17 a. A person is entitled to an attorney appointed by the
190 18 court to represent the person if the person has an income
190 19 level at or below one hundred ~~twenty-five~~ percent of the
190 20 United States poverty level as defined by the most recently
190 21 revised poverty income guidelines published by the United

190 22 States department of health and human services, unless the
190 23 court determines that the person is able to pay for the cost
190 24 of an attorney to represent the person on the pending case.
190 25 In making the determination of a person's ability to pay for
190 26 the cost of an attorney, the court shall consider not only the
190 27 person's income, but also the availability of any assets
190 28 subject to execution, including but not limited to cash,
190 29 stocks, bonds, and any other property which may be applied to
190 30 the satisfaction of judgments, and the seriousness of the
190 31 charge or nature of the case.

190 32 b. A person with an income level greater than one hundred
190 33 ~~twenty-five percent, but at or below two hundred percent,~~ of
190 34 the most recently revised poverty income guidelines published
190 35 by the United States department of health and human services
191 1 shall not be entitled to an attorney appointed by the court,
191 2 unless the court makes a written finding that not appointing
191 3 counsel on the pending case would cause the person substantial
191 4 hardship. In determining whether substantial hardship would
191 5 result, the court shall consider not only the person's income,
191 6 but also the availability of any assets subject to execution,
191 7 including but not limited to cash, stocks, bonds, and any
191 8 other property which may be applied to the satisfaction of
191 9 judgments, and the seriousness of the charge or nature of the
191 10 case.

191 11 Sec. 202. NEW SECTION. 904.118 IOWA CORRECTIONS OFFENDER
191 12 NETWORK == FUND.

191 13 An Iowa corrections offender network fund is established
191 14 under the control of the department. All sales, gifts, and
191 15 donations related to the Iowa offender network data system
191 16 shall be credited to the fund and the moneys in the fund are
191 17 appropriated to the department to be used for further
191 18 development and general maintenance of the Iowa corrections
191 19 offender network data system. Notwithstanding section 8.33,
191 20 moneys credited to the fund shall not revert to any other
191 21 fund. Notwithstanding section 12C.7, subsection 2, interest
191 22 or earnings on moneys deposited in the fund shall be credited
191 23 to the fund.

191 24 Sec. 203. Section 904.809, subsection 5, paragraph c, Code
191 25 2003, is amended by adding the following new subparagraph:

191 26 NEW SUBPARAGRAPH. (2A) The department may retain up to
191 27 fifty percent of any remaining balance after deductions made
191 28 under subparagraphs (1) and (2) if the remaining balance is
191 29 from an inmate employed in a new job created on or after July
191 30 1, 2004. The funds shall be used to staff supervision costs
191 31 of private sector employment of inmates at correctional
191 32 institutions. Funds retained pursuant to this subparagraph
191 33 shall not be used for administrative costs of the Iowa state
191 34 industries.

191 35 Sec. 204. Section 904.809, subsection 5, paragraph c,
192 1 subparagraph (3), Code 2003, is amended to read as follows:

192 2 (3) Any balance remaining after the deductions made under
192 3 subparagraphs (1), ~~and~~ (2), ~~and (2A)~~ shall represent the costs
192 4 of the inmate's incarceration and shall be deposited ~~on~~
192 5 ~~effective July 1, 2000,~~ in the general fund of the state.

192 6 Sec. 205. Section 907.9, subsections 1, 2, and 4, Code
192 7 Supplement 2003, are amended to read as follows:

192 8 1. At any time that the court determines that the purposes
192 9 of probation have been fulfilled and ~~the any~~ fees imposed
192 10 under ~~section sections 815.9 and 905.14 have been paid or on~~
192 11 ~~condition that unpaid supervision fees be paid,~~ the court may
192 12 order the discharge of a person from probation.

192 13 2. At any time that a probation officer determines that
192 14 the purposes of probation have been fulfilled and ~~the any~~ fees
192 15 imposed under ~~section sections 815.9 and 905.14 have been paid~~
192 16 ~~or on condition that unpaid supervision fees be paid,~~ the
192 17 officer may order the discharge of a person from probation
192 18 after approval of the district director and notification of
192 19 the sentencing court and the county attorney who prosecuted
192 20 the case.

192 21 4. At the expiration of the period of probation and if the
192 22 fees imposed under ~~section sections 815.9 and 905.14 have been~~
192 23 ~~paid or on condition that unpaid supervision fees be paid,~~ the
192 24 court shall order the discharge of the person from probation,
192 25 and the court shall forward to the governor a recommendation
192 26 for or against restoration of citizenship rights to that
192 27 person. A person who has been discharged from probation shall
192 28 no longer be held to answer for the person's offense. Upon
192 29 discharge from probation, if judgment has been deferred under
192 30 section 907.3, the court's criminal record with reference to
192 31 the deferred judgment shall be expunged. The record
192 32 maintained by the state court administrator as required by

192 33 section 907.4 shall not be expunged. The court's record shall
192 34 not be expunged in any other circumstances.
192 35 Sec. 206. 1998 Iowa Acts, chapter 1101, section 15,
193 1 subsection 2, as amended by 1999 Iowa Acts, chapter 202,
193 2 section 25, as amended by 2000 Iowa Acts, chapter 1229,
193 3 section 25, as amended by 2001 Iowa Acts, chapter 186, section
193 4 21, as amended by 2002 Iowa Acts, Second Extraordinary
193 5 Session, chapter 1003, section 170, and as amended by 2003
193 6 Iowa Acts, chapter 174, section 17, is amended to read as
193 7 follows:

193 8 2. a. There is appropriated from surcharge moneys
193 9 received by the E911 administrator and deposited into the
193 10 wireless E911 emergency communications fund, for each fiscal
193 11 year in the fiscal period beginning July 1, 1998, and ending
193 12 June 30, ~~2004~~ 2005, an amount not to exceed two hundred
193 13 thousand dollars to be used for the implementation, support,
193 14 and maintenance of the functions of the E911 administrator.
193 15 The amount appropriated in this paragraph includes any amounts
193 16 necessary to reimburse the division of emergency management of
193 17 the department of public defense pursuant to paragraph "b".

193 18 b. Notwithstanding the distribution formula in section
193 19 34A.7A, as enacted in this Act, and prior to any such
193 20 distribution, of the initial surcharge moneys received by the
193 21 E911 administrator and deposited into the wireless E911
193 22 emergency communications fund, for each fiscal year in the
193 23 fiscal period beginning July 1, 1998, and ending June 30, ~~2004~~
193 24 2005, an amount is appropriated to the division of emergency
193 25 management of the department of public defense as necessary to
193 26 reimburse the division for amounts expended for the
193 27 implementation, support, and maintenance of the E911
193 28 administrator, including the E911 administrator's salary.

193 29 Sec. 207. IOWA LAW ENFORCEMENT ACADEMY == FEES.
193 30 Notwithstanding section 80B.11B, the Iowa law enforcement
193 31 academy may charge more than one-half the cost of providing
193 32 the basic training course if a majority of the Iowa law
193 33 enforcement academy council authorizes charging more than one=
193 34 half of the cost of providing basic training. This section is
193 35 repealed on June 30, 2005.

194 1 Sec. 208. STATE PUBLIC DEFENDER STUDY. The state public
194 2 defender in consultation with the indigent defense advisory
194 3 commission, the supreme court, the Iowa state bar association,
194 4 the Iowa association of criminal defense lawyers, and other
194 5 interested organizations, shall study cost saving methods that
194 6 can be implemented to deliver legal representation to indigent
194 7 defendants in a more efficient manner. The state public
194 8 defender, in cooperation with the entities consulted with,
194 9 shall file a report with the general assembly by December 15,
194 10 2004. The report shall include recommendations for achieving
194 11 efficiencies in the delivery of indigent defense services
194 12 including but not limited to the advisability of the state
194 13 public defender entering into indigent defense contracts for a
194 14 predetermined fee in specific types of cases.

194 15 Sec. 209. EFFECTIVE DATE. The provisions of this division
194 16 of this Act amending sections 85.66, 85.67, and 904.118, and
194 17 1998 Iowa Acts, chapter 1101, being deemed of immediate
194 18 importance, take effect upon enactment.

194 19 DIVISION X
194 20 STANDING APPROPRIATIONS, SALARIES,
194 21 AND MISCELLANEOUS PROVISIONS

194 22 Sec. 210. GENERAL ASSEMBLY. The appropriations made
194 23 pursuant to section 2.12 for the expenses of the general
194 24 assembly and legislative agencies for the fiscal year
194 25 beginning July 1, 2004, and ending June 30, 2005, are reduced
194 26 by the following amount:

194 27 \$ 2,000,000

194 28 Sec. 211. Notwithstanding the standing appropriations in
194 29 the following designated sections for the fiscal year
194 30 beginning July 1, 2004, and ending June 30, 2005, the amounts
194 31 appropriated from the general fund of the state pursuant to
194 32 those sections for the following designated purposes shall not
194 33 exceed the following amounts:

194 34 1. For compensation of officers and enlisted persons and
194 35 their expenses while on state active duty as authorized in
195 1 section 29A.27:

195 2 \$ 421,639

195 3 2. For payment for nonpublic school transportation under
195 4 section 285.2:

195 5 \$ 7,955,541

195 6 If total approved claims for reimbursement for nonpublic
195 7 school pupil transportation claims exceed the amount
195 8 appropriated in this section, the department of education

195 9 shall prorate the amount of each claim.
195 10 3. For printing cigarette tax stamps under section 453A.7:
195 11 \$ 107,304
195 12 4. For the state's share of the cost of the peace
195 13 officers' retirement benefits under section 411.20:
195 14 \$ 2,745,784
195 15 5. For payment of livestock production credit refunds
195 16 under section 422.121:
195 17 \$ 1,770,342
195 18 6. For instructional support state aid under section
195 19 257.20:
195 20 \$ 14,428,271
195 21 7. For at-risk children programs under section 279.51,
195 22 subsection 1:
195 23 \$ 11,271,000
195 24 The amount of any reduction in this subsection shall be
195 25 prorated among the programs specified in section 279.51,
195 26 subsection 1, paragraphs "a", "b", and "c".
195 27 8. For paying claims against the state under section 25.2:
195 28 \$ 4,387,500
195 29 9. For administration expenses of the state unemployment
195 30 compensation law under chapter 96:
195 31 \$ 538,750
195 32 10. For payment of certain interest costs due the federal
195 33 government under the federal Cash Management and Improvement
195 34 Act under section 421.31:
195 35 \$ 436,250
196 1 11. For funding the state's deferred compensation program
196 2 established for state employees under section 509A.12:
196 3 \$ 55,088
196 4 12. For the educational excellence program under section
196 5 294A.25, subsection 1:
196 6 \$ 55,469,053
196 7 Sec. 212. HELP US STOP HUNGER. There is appropriated from
196 8 the general fund of the state of the department of natural
196 9 resources for the fiscal year beginning July 1, 2004, and
196 10 ending June 30, 2005, the following amount, or so much thereof
196 11 as is necessary, to be used as follows:
196 12 To expand the help us stop hunger pilot project:
196 13 \$ 17,000
196 14 Sec. 213. STATE APPEAL BOARD STREAMLINING. For the fiscal
196 15 year beginning July 1, 2004, the state appeal board may pay
196 16 out of any moneys in the state treasury not otherwise
196 17 appropriated for costs associated with streamlining and
196 18 improving the state appeal board process.
196 19 Sec. 214. Section 8.22A, subsection 3, Code Supplement
196 20 2003, is amended to read as follows:
196 21 3. By December 15 of each fiscal year the conference shall
196 22 agree to a revenue estimate for the fiscal year beginning the
196 23 following July 1. That estimate shall be used by the governor
196 24 in the preparation of the budget message under section 8.22
196 25 and by the general assembly in the budget process. If the
196 26 conference agrees to a different estimate at a later meeting
196 27 which projects a greater amount of revenue than the initial
196 28 estimate amount agreed to by December 15, the governor and the
196 29 general assembly shall continue to use the initial estimate
196 30 amount in the budget process for that fiscal year. However,
196 31 if the conference agrees to a different estimate at a later
196 32 meeting which projects a lesser amount of revenue than the
196 33 initial estimate amount, the governor and the general assembly
196 34 shall use the lesser amount in the budget process for that
196 35 fiscal year. As used in this subsection, "later meeting"
197 1 means only those later meetings which are held prior to the
197 2 conclusion of the regular session of the general assembly and
197 3 if the general assembly holds an extraordinary session prior
197 4 to the commencement of the fiscal year to which the estimate
197 5 applies, those later meetings which are held before or during
197 6 the extraordinary session.
197 7 Sec. 215. Section 8.54, subsection 2, Code 2003, is
197 8 amended to read as follows:
197 9 2. There is created a state general fund expenditure
197 10 limitation for each fiscal year ~~beginning on or after July 1,~~
197 11 ~~1993,~~ calculated as provided in this section. An expenditure
197 12 limitation shall be used for the portion of the budget process
197 13 commencing on the date the revenue estimating conference
197 14 agrees to a revenue estimate for the following fiscal year in
197 15 accordance with section 8.22A, subsection 3, and ending with
197 16 the governor's final approval or disapproval of the
197 17 appropriations bills applicable to that fiscal year that were
197 18 passed prior to July 1 of that fiscal year in a regular or
197 19 extraordinary legislative session.

197 20 Sec. 216. Section 8.55, subsection 2, paragraph d, Code
197 21 Supplement 2003, is amended to read as follows:
197 22 d. Notwithstanding paragraph "a", any moneys in excess of
197 23 the maximum balance in the economic emergency fund after the
197 24 distribution of the surplus in the general fund of the state
197 25 at the conclusion of each fiscal year and after the
197 26 appropriate amounts have been transferred pursuant to
197 27 paragraphs "b" and "c" shall not be transferred to the general
197 28 fund of the state but shall be transferred to the endowment
197 29 for Iowa's health account of the tobacco settlement trust
197 30 fund. The total amount transferred, in the aggregate, under
197 31 this paragraph for all fiscal years shall not exceed the
197 32 difference between one hundred ~~one~~ thirty-one million ~~seven~~
197 33 ~~five hundred fifty-one~~ thirty-six thousand dollars and the
197 34 amounts transferred to the endowment for Iowa's health account
197 35 to repay the amounts transferred or appropriated from the
198 1 endowment for Iowa's health account in 2002 Iowa Acts, chapter
198 2 1165, 2002 Iowa Acts, chapter 1166, 2002 Iowa Acts, chapter
198 3 1167, 2002 Iowa Acts, Second Extraordinary Session, chapter
198 4 1003, and 2003 Iowa Acts, chapter 183, and 2004 Iowa Acts,
198 5 Senate File 2298.

198 6 Sec. 217. Section 8.62, Code Supplement 2003, is amended
198 7 by adding the following new subsection:
198 8 NEW SUBSECTION. 4. Notwithstanding any provision of this
198 9 section and sections 8.33 and 8.39 to the contrary, if a full=
198 10 time equivalent position budgeted for within an appropriation
198 11 from the general fund of the state to a department or
198 12 establishment other than the state board of regents is vacant
198 13 for all or a portion of the fiscal year, an amount equal to
198 14 the salary and benefits associated with the time of vacancy of
198 15 the position shall be considered to be encumbered for the
198 16 period of the vacancy, shall not be used for any other
198 17 purpose, and the encumbered amount shall revert to the general
198 18 fund of the state at the close of the fiscal year.

198 19 Sec. 218. Section 10C.5, Code 2003, is amended to read as
198 20 follows:

198 21 10C.5 REPEAL.

198 22 Sections 10C.1 through 10C.4 and this section are repealed
198 23 July 1, ~~2004~~ 2008.

198 24 Sec. 219. Section 10C.6, subsection 1, paragraph a,
198 25 unnumbered paragraph 1, Code 2003, is amended to read as
198 26 follows:

198 27 A life science enterprise may acquire or hold agricultural
198 28 land, notwithstanding section 10C.5 as that section exists in
198 29 the ~~2003~~ 2005 Code ~~or 2003 Code Supplement~~, if all of the
198 30 following apply:

198 31 Sec. 220. Section 10C.6, subsection 1, paragraph a,
198 32 subparagraphs (1) and (2), Code 2003, are amended to read as
198 33 follows:

198 34 (1) The life science enterprise acquires the agricultural
198 35 land on or before June 30, ~~2004~~ 2008.

199 1 (2) The enterprise acquires or holds the agricultural land
199 2 pursuant to chapter 10C as that chapter exists in the ~~2003~~
199 3 2005 Code ~~or 2003 Code Supplement~~.

199 4 Sec. 221. Section 28.3, subsection 2, Code 2003, is
199 5 amended to read as follows:

199 6 2. The Iowa board shall consist of ~~seventeen~~ eighteen
199 7 voting members with thirteen citizen members and ~~four~~ five
199 8 state agency members. The ~~four~~ five state agency members
199 9 shall be the directors of the following departments: economic
199 10 development, education, human rights, human services, and
199 11 public health. The thirteen citizen members shall be
199 12 appointed by the governor, subject to confirmation by the
199 13 senate. The governor's appointments of citizen members shall
199 14 be made in a manner so that each of the state's congressional
199 15 districts is represented by two citizen members and so that
199 16 all the appointments as a whole reflect the ethnic, cultural,
199 17 social, and economic diversity of the state. The governor's
199 18 appointees shall be selected from individuals nominated by
199 19 community empowerment area boards. The nominations shall
199 20 reflect the range of interests represented on the community
199 21 boards so that the governor is able to appoint one or more
199 22 members each for education, health, human services, business,
199 23 faith, and public interests. At least one of the citizen
199 24 members shall be a service consumer or the parent of a service
199 25 consumer. Terms of office of all citizen members are three
199 26 years. A vacancy on the board shall be filled in the same
199 27 manner as the original appointment for the balance of the
199 28 unexpired term.

199 29 Sec. 222. Section 35A.2, Code 2003, is amended to read as
199 30 follows:

199 31 35A.2 COMMISSION OF VETERANS AFFAIRS.
199 32 1. A commission of veterans affairs is created consisting
199 33 of ~~seven~~ nine persons who shall be appointed by the governor,
199 34 subject to confirmation by the senate. Members shall be
199 35 appointed to staggered terms of four years beginning and
200 1 ending as provided in section 69.19. The governor shall fill
200 2 a vacancy for the unexpired portion of the term.
200 3 2. ~~Six~~ Eight commissioners shall be honorably discharged
200 4 members of the armed forces of the United States. The
200 5 American legion of Iowa, disabled American veterans department
200 6 of Iowa, veterans of foreign wars department of Iowa, American
200 7 veterans of World War II, Korea, and Vietnam, the Vietnam
200 8 veterans of America, and the military order of the purple
200 9 heart, through their department commanders, shall submit two
200 10 names respectively from their organizations to the governor.
200 11 The adjutant general and the Iowa affiliate of the reserve
200 12 officers association shall submit names to the governor of
200 13 persons to represent the Iowa national guard and the
200 14 association. The governor shall appoint from the group of
200 15 names submitted by the adjutant general and reserve officers
200 16 association two representatives and from each of the other
200 17 organizations one representative to serve as a member of the
200 18 commission, unless the appointments would conflict with the
200 19 bipartisan and gender balance provisions of sections 69.16 and
200 20 69.16A. In addition, the governor shall appoint one member of
200 21 the public, knowledgeable in the general field of veterans
200 22 affairs, to serve on the commission.
200 23 Sec. 223. Section 35A.3, Code 2003, is amended by adding
200 24 the following new subsection:
200 25 NEW SUBSECTION. 14. To establish and operate a state
200 26 veterans cemetery and to make application to the government of
200 27 the United States or any subdivision, agency, or
200 28 instrumentality thereof, for funds for the purpose of
200 29 establishing such a cemetery. The state may enter into
200 30 agreements with any subdivision of the state for assistance in
200 31 operating the cemetery. The state shall own the land on which
200 32 the cemetery is located. The commission shall have the
200 33 authority to accept federal grant funds, funding from state
200 34 subdivisions, donations from private sources, and federal
200 35 "plot allowance" payments. All such funds shall be deposited
201 1 into an account dedicated to the establishment, operation, and
201 2 maintenance of a veterans cemetery and these funds shall be
201 3 expended only for those purposes. The commission through the
201 4 executive director shall have the authority to accept suitable
201 5 cemetery land, in accordance with federal veterans cemetery
201 6 grant guidelines, from the federal government, state
201 7 government, state subdivisions, private sources, and any other
201 8 source wishing to transfer land for use as a veterans
201 9 cemetery.
201 10 Sec. 224. Section 35D.13, subsection 2, Code 2003, is
201 11 amended by striking the subsection and inserting in lieu
201 12 thereof the following:
201 13 2. The commandant shall be a resident of the state of Iowa
201 14 who served in the armed forces of the United States and was
201 15 honorably discharged, and is a licensed nursing home
201 16 administrator.
201 17 Sec. 225. Section 85.36, Code 2003, is amended by adding
201 18 the following new subsection:
201 19 NEW SUBSECTION. 5A. In the case of a school district
201 20 employee who is employed pursuant to a contract for a specific
201 21 period of time, and whose earnings are paid pursuant to a
201 22 contract for a different period of time than the period of
201 23 time during which the services are performed, the employee's
201 24 weekly earnings shall be based on the period of time for which
201 25 the earnings are paid rather than on the period of time during
201 26 which the services are performed.
201 27 Sec. 226. Section 135C.31A, Code Supplement 2003, is
201 28 amended to read as follows:
201 29 135C.31A ASSESSMENT OF RESIDENTS == PROGRAM ELIGIBILITY.
201 30 Beginning July 1, 2003, a health care facility receiving
201 31 reimbursement through the medical assistance program under
201 32 chapter 249A shall assist the Iowa commission of veterans
201 33 affairs in identifying, upon admission of a resident, the
201 34 resident's eligibility for benefits through the federal
201 35 department of veterans affairs. The health care facility
202 1 shall also assist the Iowa commission of veterans affairs in
202 2 determining such eligibility for residents residing in the
202 3 facility on July 1, 2003. The department of inspections and
202 4 appeals, in cooperation with the department of human services,
202 5 shall adopt rules to administer this section, including a
202 6 provision that ensures that if a resident is eligible for

202 7 benefits through the federal department of veterans affairs or
202 8 other third-party payor, the payor of last resort for
202 9 reimbursement to the health care facility is the medical
202 10 assistance program. This section shall not apply to the
202 11 admission of an individual to a state mental health institute
202 12 for acute psychiatric care or to the admission of an
202 13 individual to the Iowa veterans home.

202 14 Sec. 227. NEW SECTION. 153.40 MOBILE DENTAL DELIVERY
202 15 SYSTEM.

202 16 The Iowa department of public health shall establish and
202 17 implement a mobile dental delivery system to make available
202 18 dental supplies, portable dental equipment, and vans to be
202 19 used in transporting the equipment to provide oral health
202 20 services to and improve the oral health of low-income persons
202 21 who live in federal or state-designated health professional
202 22 shortage areas and have the least access to oral health
202 23 services. The department shall coordinate the program. Funds
202 24 available for improving oral health may also be used for loan
202 25 forgiveness for dental providers or to develop oral health
202 26 training modules for nursing home staff or other suitable
202 27 staff who provide oral health services to persons described in
202 28 this section.

202 29 Sec. 228. Section 208.16, subsection 2, Code 2003, is
202 30 amended to read as follows:

202 31 2. The division may establish procedures for transferring
202 32 the responsibility for reclamation of a mine site to a state
202 33 agency or political subdivision, or to a private entity, which
202 34 intends to use the site for other purposes. The division,
202 35 with agreement from the receiving agency or subdivision, or
203 1 from a private entity, to complete adequate reclamation, may
203 2 approve the transfer of responsibility, release the bond or
203 3 security, and terminate or amend the operator's authorization
203 4 to conduct mining on the site.

203 5 Sec. 229. Section 256.7, Code Supplement 2003, is amended
203 6 by adding the following new subsection:

203 7 NEW SUBSECTION. 26. Adopt rules directing the school
203 8 districts and area education agencies to submit annually data
203 9 regarding the salaries and benefits of administrators and from
203 10 the most recent contract settlement increases for salaries and
203 11 group health insurance plans provided under collective
203 12 bargaining agreements negotiated pursuant to chapter 20. The
203 13 department shall compile the data in a report to be submitted
203 14 by January 15 of each year to the chairpersons and ranking
203 15 members of the house and senate standing committees on
203 16 education and appropriations and of the joint appropriations
203 17 subcommittee on education.

203 18 Sec. 230. Section 256D.3, subsection 3, Code 2003, is
203 19 amended to read as follows:

203 20 3. Beginning January 15, ~~2001~~ 2005, the department shall
203 21 submit an annual report to the chairpersons and ranking
203 22 members of the senate and house education committees that
203 23 includes the statewide average school district class size in
203 24 basic skills instruction in kindergarten through grade three,
203 25 by grade level and by district size, and describes school
203 26 district progress toward achieving early intervention block
203 27 grant program goals and the ways in which school districts are
203 28 using moneys received pursuant to ~~section 256D.4~~ this chapter
203 29 and expended as provided in section 256D.2.

203 30 Sec. 231. Section 256D.4, subsection 2, Code Supplement
203 31 2003, is amended to read as follows:

203 32 2. Moneys appropriated pursuant to section 256D.5,
203 33 subsection ~~3~~ 4, shall be allocated to school districts as
203 34 follows:

203 35 a. Allocation of the sum of ~~twenty nineteen~~ million five
204 1 hundred thousand dollars shall be based upon the proportion
204 2 that the kindergarten through grade three enrollment of a
204 3 district bears to the sum of the kindergarten through grade
204 4 three enrollments of all school districts in the state as
204 5 reported for the base year.

204 6 b. Allocation of the sum of ~~ten nine~~ million seven hundred
204 7 fifty thousand dollars shall be based upon the proportion that
204 8 the number of children who are eligible for free or reduced
204 9 price meals under the federal National School Lunch Act and
204 10 the federal Child Nutrition Act of 1966, 42 U.S.C. } 1751=
204 11 1785, in grades one through three of a school district bears
204 12 to the sum of the number of children who are eligible for free
204 13 or reduced price meals under the federal National School Lunch
204 14 Act and the federal Child Nutrition Act of 1966, 42 U.S.C. }
204 15 1751=1785, in grades one through three in all school districts
204 16 in the state for the base year.

204 17 Sec. 232. Section 256D.5, Code Supplement 2003, is amended

204 18 by adding the following new subsection:
204 19 NEW SUBSECTION. 4. For the fiscal year beginning July 1,
204 20 2004, and ending June 30, 2005, the sum of twenty-nine million
204 21 two hundred fifty thousand dollars.
204 22 Sec. 233. Section 256D.9, Code Supplement 2003, is amended
204 23 to read as follows:
204 24 256D.9 FUTURE REPEAL.
204 25 This chapter is repealed effective July 1, ~~2004~~ 2005.
204 26 Sec. 234. Section 257.8, subsection 1, Code Supplement
204 27 2003, is amended to read as follows:
204 28 1. STATE PERCENT OF GROWTH. ~~The state percent of growth~~
204 29 ~~for the budget year beginning July 1, 2003, is two percent.~~
204 30 The state percent of growth for the budget year beginning July
204 31 1, 2004, is two percent. ~~The state percent of growth for the~~
204 32 ~~budget year beginning July 1, 2005, is four percent.~~ The
204 33 state percent of growth for each subsequent budget year shall
204 34 be established by statute which shall be enacted within thirty
204 35 days of the submission in the year preceding the base year of
205 1 the governor's budget under section 8.21. The establishment
205 2 of the state percent of growth for a budget year shall be the
205 3 only subject matter of the bill which enacts the state percent
205 4 of growth for a budget year.
205 5 Sec. 235. Section 257.14, subsection 3, unnumbered
205 6 paragraph 1, Code 2003, is amended to read as follows:
205 7 For the budget year commencing July 1, 2004, and succeeding
205 8 budget years, ~~if the department of management determines that~~
205 9 ~~the regular program district cost of a school district for a~~
205 10 ~~budget year is less than one hundred one percent of the~~
205 11 ~~regular program district cost for the base year for that~~
205 12 ~~school district,~~ a district shall be eligible for a budget
205 13 adjustment corresponding to the following schedule:
205 14 Sec. 236. Section 257.35, Code Supplement 2003, is amended
205 15 by adding the following new subsections:
205 16 NEW SUBSECTION. 4. Notwithstanding subsection 1, and in
205 17 addition to the reduction applicable pursuant to subsection 2,
205 18 the state aid for area education agencies and the portion of
205 19 the combined district cost calculated for these agencies for
205 20 the fiscal year beginning July 1, 2004, shall be reduced by
205 21 the department of management by eleven million seven hundred
205 22 ninety-eight thousand seven hundred three dollars. The
205 23 reduction for each area education agency shall be equal to the
205 24 reduction that the agency received in the fiscal year
205 25 beginning July 1, 2003.
205 26 NEW SUBSECTION. 5. Notwithstanding section 257.37, an
205 27 area education agency may use the funds determined to be
205 28 available under this section in a manner which the area
205 29 education agency determines is appropriate to best maintain
205 30 the level of required area education agency special education
205 31 services. An area education agency may also use unreserved
205 32 fund balances for media services or education services in a
205 33 manner which the area education agency determines is
205 34 appropriate to best maintain the level of required area
205 35 education agency special education services.
206 1 Sec. 237. Section 261.9, subsection 1, unnumbered
206 2 paragraph 1, Code Supplement 2003, is amended to read as
206 3 follows:
206 4 "Accredited private institution" means an institution of
206 5 higher learning located in Iowa which is operated privately
206 6 and not controlled or administered by any state agency or any
206 7 subdivision of the state, ~~except for county hospitals as~~
206 8 ~~provided in paragraph "c" of this subsection,~~ and which meets
206 9 ~~at least one of the criteria in paragraphs "a" through "c" and~~
206 10 ~~"b" and all of the criteria in paragraphs "d" through "g".~~
206 11 except that institutions defined in paragraph "c" of this
206 12 subsection are exempt from the requirements of paragraphs "a"
206 13 and "b":
206 14 Sec. 238. Section 261.9, subsection 1, paragraphs b and c,
206 15 Code Supplement 2003, are amended by striking the paragraphs
206 16 and inserting in lieu thereof the following:
206 17 b. Is accredited by the north central association of
206 18 colleges and secondary schools accrediting agency based on
206 19 their requirements, are exempt from taxation under section
206 20 501(c)(3) of the Internal Revenue Code, and annually provide a
206 21 matching aggregate amount of institutional financial aid equal
206 22 to at least seventy-five percent of the amount received in a
206 23 fiscal year by the institution's students for Iowa tuition
206 24 grant assistance under this chapter. Commencing with the
206 25 fiscal year beginning July 1, 2005, the matching aggregate
206 26 amount of institutional financial aid shall increase by the
206 27 percentage of increase each fiscal year of funds appropriated
206 28 for Iowa tuition grants under section 261.25, subsection 1, to

206 29 a maximum match of one hundred percent. The institution shall
206 30 file annual reports with the commission prior to receipt of
206 31 tuition grant moneys under this chapter. An institution whose
206 32 income is not exempt from taxation under section 501(c) of the
206 33 Internal Revenue Code and whose students were eligible to
206 34 receive Iowa tuition grant money in the fiscal year beginning
206 35 July 1, 2003, shall meet the match requirements of this
207 1 paragraph no later than June 30, 2005.

207 2 c. Is a specialized college that is accredited by the
207 3 north central association of colleges and secondary schools
207 4 accrediting agency, and which offers health professional
207 5 programs that are affiliated with health care systems located
207 6 in Iowa.

207 7 Sec. 239. Section 273.3, Code 2003, is amended by adding
207 8 the following new subsection:

207 9 NEW SUBSECTION. 23. Submit annually to the department of
207 10 education data regarding the salaries and benefits of
207 11 administrators and from the most recent contract settlement
207 12 increases for salaries and group health insurance plans
207 13 provided under collective bargaining agreements negotiated
207 14 pursuant to chapter 20.

207 15 Sec. 240. Section 279.12, unnumbered paragraph 1, Code
207 16 Supplement 2003, is amended to read as follows:

207 17 The board shall carry into effect any instruction from the
207 18 regular election upon matters within the control of the
207 19 voters, and shall elect all teachers and make all contracts
207 20 necessary or proper for exercising the powers granted and
207 21 performing the duties required by law, and may establish and
207 22 pay all or any part thereof from school district funds the
207 23 cost of group health insurance plans, nonprofit group hospital
207 24 service plans, nonprofit group medical service plans and group
207 25 life insurance plans adopted by the board for the benefit of
207 26 employees of the school district, but the board may authorize
207 27 any subdirector to employ teachers for the school in the
207 28 subdirector's subdistrict; but no such employment by a
207 29 subdirector shall authorize a contract, the entire period of
207 30 which is wholly beyond the subdirector's term of office. The
207 31 board shall submit annually to the department of education
207 32 data regarding the salaries and benefits of administrators and
207 33 from the most recent contract settlement increases for
207 34 salaries and group health insurance plans provided under
207 35 collective bargaining agreements negotiated pursuant to
208 1 chapter 20.

208 2 Sec. 241. Section 280.14, Code Supplement 2003, is amended
208 3 by adding the following new subsection:

208 4 NEW SUBSECTION. 3. The board of directors of each school
208 5 district shall annually review school district expenditures
208 6 and identify and examine potential cost savings that can be
208 7 achieved in the delivery of administrative services and other
208 8 costs involved in the operation of the school district,
208 9 including but not limited to health insurance, maintenance of
208 10 facilities and buses, the acquisition of and distribution of
208 11 materials and supplies used by the school district, and the
208 12 delivery of transportation, human resource and financial
208 13 services, computer support services, and data management. The
208 14 school district shall consider cost saving partnership
208 15 opportunities with other school districts, area education
208 16 agencies, community colleges, libraries, cities, counties, or
208 17 other public or private entities. The results of the study
208 18 shall be presented to the public at a regularly scheduled
208 19 board meeting. The school district shall annually report the
208 20 cost savings to the department of education in a manner
208 21 prescribed by the department. The department shall annually
208 22 compile the information submitted by the school districts in a
208 23 report which the department shall submit to the general
208 24 assembly by December 31.

208 25 Sec. 242. NEW SECTION. 280A.1 IOWA LEARNING TECHNOLOGY
208 26 INITIATIVE.

208 27 1. INITIATIVE. The Iowa learning technology initiative is
208 28 created to provide training and learning opportunities to
208 29 public and accredited nonpublic school students in grade seven
208 30 and their administrators and teachers.

208 31 2. PILOT PROGRAM. The Iowa learning technology commission
208 32 created in section 280A.2 shall develop and administer the
208 33 Iowa learning technology initiative, which shall include a
208 34 pilot program. Upon the receipt or pledge of sufficient
208 35 moneys, as determined by the commission, for deposit in the
209 1 Iowa learning technology fund created in section 280A.4, the
209 2 pilot program shall be implemented. A school district or
209 3 accredited nonpublic school may submit an application to
209 4 participate in the pilot program to the commission no later

209 5 than sixty days following receipt or pledge of moneys into the
209 6 Iowa learning technology fund. The application shall include
209 7 a written statement that indicates a dedicated willingness to
209 8 participate. School districts or accredited nonpublic schools
209 9 chosen to participate in the pilot program shall have
209 10 demonstrated to the commission administrative leadership,
209 11 teacher willingness to participate, and community support, and
209 12 shall represent geographically distinct rural, urban, and
209 13 suburban areas of the state. The commission shall notify
209 14 applicants of approval or disapproval of applications no later
209 15 than seventy-five days after the application deadline.

209 16 3. PUBLIC=PRIVATE PARTNERSHIP.

209 17 a. The Iowa learning technology commission shall, in
209 18 consultation with the department of education and the
209 19 department of administrative services, develop and issue no
209 20 later than forty-five days after the receipt or pledge of
209 21 moneys into the Iowa learning technology fund, a request for
209 22 proposals for one or more private providers who shall partner
209 23 with the state to implement the pilot program phase of the
209 24 initiative. No later than forty-five days after the issuance
209 25 of the request for proposals, the commission shall select
209 26 finalists from among the proposals submitted. No later than
209 27 forty-five days after the selection of finalists, the
209 28 commission shall select one or more private providers.

209 29 b. One or more private providers shall be selected by the
209 30 commission through a request for proposals process for a total
209 31 solutions learning technology package that includes, but is
209 32 not limited to, hardware, software, professional development,
209 33 and service and support, which shall be managed by a single
209 34 point of contact responsible for the overall implementation.

209 35 The proposal selected by the commission shall achieve
210 1 significant efficiencies and economies of scale, be
210 2 interoperable with existing technologies, and be consistent
210 3 with the state's economic development and education policies.
210 4 In selecting a private provider, the commission shall consider
210 5 all of the following with respect to the private provider:

210 6 (1) Experience in the development and successful
210 7 implementation of large-scale, school-based wireless and other
210 8 learning technology projects, and the technical ability to
210 9 deliver a total solutions package of learning technology for
210 10 elementary and secondary students and teachers.

210 11 (2) Demonstrated financial capability and long-term
210 12 stability to partner with the state over the term of the
210 13 private provider contract.

210 14 (3) Expertise, experience, and capabilities in education
210 15 practice and evaluation methods.

210 16 c. The commission shall conduct, in cooperation with the
210 17 attorney general, contract negotiations to establish a public=
210 18 private partnership on behalf of the commission and enter into
210 19 a contract negotiated with one or more private providers to
210 20 establish a four-year learning technology pilot program to
210 21 provide a wireless laptop computer to each student, teacher,
210 22 and relevant administrator in a participating school and
210 23 implement the use of software, on-line courses, and other
210 24 appropriate learning technologies that have been shown to
210 25 improve academic achievement and specified progress measures.
210 26 The term of the contract shall include the deployment of
210 27 computers to students and teachers in participating school
210 28 districts and accredited nonpublic schools in accordance with
210 29 subsection 2.

210 30 4. EVALUATION. To measure the effectiveness of the pilot
210 31 program established pursuant to subsection 2, the Iowa
210 32 learning technology commission shall, at a minimum, establish
210 33 standards and methods of measuring progress in the areas of
210 34 increased student engagement, decreased disciplinary problems,
210 35 increased use of computers for writing, analysis, and
211 1 research, movement toward student-centered classrooms,
211 2 increased parental involvement, and increases in standardized
211 3 test scores. The commission shall work cooperatively with the
211 4 department of education and the state board of regents in
211 5 establishing an evaluation process pursuant to this
211 6 subsection.

211 7 Sec. 243. NEW SECTION. 280A.2 COMMISSION == MEMBERS.

211 8 1. COMMISSION CREATED. An Iowa learning technology
211 9 commission is created to establish the policies and determine
211 10 the necessary budget for implementation of the Iowa learning
211 11 technology initiative.

211 12 2. MEMBERS. The commission shall initially be appointed
211 13 no later than July 1, 2004, and shall consist of eighteen
211 14 members appointed as follows:

211 15 a. Nine voting members who shall be members of the general

211 16 public and shall be appointed as follows:
211 17 (1) Two members shall be appointed by the governor.
211 18 (2) Two members shall be appointed by the president of the
211 19 senate.
211 20 (3) One member shall be appointed by the minority leader
211 21 of the senate.
211 22 (4) Two members shall be appointed by the speaker of the
211 23 house of representatives.
211 24 (5) One member shall be appointed by the minority leader
211 25 of the house of representatives.
211 26 (6) One member who is a member of the state board of
211 27 education shall be appointed by the chairperson of the state
211 28 board.
211 29 b. Nine ex officio, nonvoting members who shall be
211 30 appointed as follows:
211 31 (1) One member representing public postsecondary education
211 32 institutions who is employed by a public postsecondary
211 33 education institution shall be appointed by the governor.
211 34 (2) Three members representing three different school
211 35 districts shall be appointed by the governor as follows:
212 1 (a) One member shall be a teacher employed by a school
212 2 district or area education agency who is appointed from a list
212 3 of three names submitted by a certified employee organization
212 4 representing teachers licensed under chapter 272.
212 5 (b) One member shall be an administrator employed by a
212 6 school district who is appointed from a list of three names
212 7 submitted by a statewide organization representing
212 8 administrators licensed under chapter 272.
212 9 (c) One member shall be a member of a board of directors
212 10 of a school district who is appointed by a statewide
212 11 organization representing school boards.
212 12 (3) One member representing area education agencies shall
212 13 be appointed by the governor from a list of three names
212 14 submitted by area education agency administrators.
212 15 (4) One member who is a member of the senate shall be
212 16 appointed by the president of the senate.
212 17 (5) One member who is a member of the senate shall be
212 18 appointed by the minority leader of the senate.
212 19 (6) One member who is a member of the house of
212 20 representatives shall be appointed by the speaker of the house
212 21 of representatives.
212 22 (7) One member who is a member of the house of
212 23 representatives shall be appointed by the minority leader of
212 24 the house.
212 25 3. EXPERIENCE AND SPECIAL KNOWLEDGE. In appointing
212 26 members to the commission, proper consideration shall be given
212 27 to persons with experience or special knowledge in one or more
212 28 of the following areas: education, business, economic
212 29 development, technology, and finance.
212 30 4. BALANCE. Commission members shall be appointed in
212 31 compliance with sections 69.16 and 69.16A. Appointments of
212 32 public members shall be made to provide broad representation
212 33 of the various geographical areas of the state insofar as
212 34 possible.
212 35 5. CHAIRPERSONS. The commission shall elect a chairperson
213 1 and a vice chairperson annually from among the voting members
213 2 of the commission. A member shall not serve as a chairperson
213 3 or vice chairperson for more than three consecutive years.
213 4 6. MEETINGS. The commission shall meet at least three
213 5 times each year.
213 6 7. QUORUM. A majority of the voting members constitutes a
213 7 quorum for the transaction of any official business.
213 8 8. TERMS OF MEMBERS. The members shall be appointed to
213 9 three-year staggered terms and the terms shall commence and
213 10 end as provided by section 69.19. If a vacancy occurs, a
213 11 successor shall be appointed to serve the unexpired term. A
213 12 successor shall be appointed in the same manner and subject to
213 13 the same qualifications as the original appointment to serve
213 14 the unexpired term.
213 15 9. EXPENSES. Members of the commission are entitled to
213 16 receive reimbursement for actual expenses incurred while
213 17 engaged in the performance of official duties from the Iowa
213 18 learning technology fund created in section 280A.4, except
213 19 that legislators' expenses shall be paid from funds
213 20 appropriated by section 2.12.
213 21 Sec. 244. NEW SECTION. 280A.3 COMMISSION PLAN == GUIDING
213 22 PRINCIPLES.
213 23 1. The Iowa learning technology commission created in
213 24 section 280A.2 shall develop a learning technology plan to
213 25 achieve the goal of preparing students for an economy that is
213 26 increasingly dependent on technology and innovation. The

213 27 commission shall examine the use of technology in Iowa's and
213 28 the nation's elementary and secondary classrooms.

213 29 2. The plan developed by the commission shall include, but
213 30 not be limited to, the following:

213 31 a. The costs and benefits of each component of the plan.
213 32 b. The professional development needed to integrate
213 33 learning technology into classroom technology.
213 34 c. Strategies for implementation of the plan, including,
213 35 at a minimum, phasing in the plan over a term of years.
214 1 d. Strategies that coordinate the learning technology in
214 2 kindergarten through grade twelve with the initiatives and
214 3 resources of the department of education, Iowa communications
214 4 network, area education agencies, higher education
214 5 institutions providing approved practitioner preparation
214 6 programs, and other accredited postsecondary institutions in
214 7 the state.
214 8 e. Procedures for data tracking and assessment of the
214 9 progress in implementing the goals of the initiative and the
214 10 plan.
214 11 f. Strategies to establish a public-private partnership
214 12 between state government and a private sector business having
214 13 relevant knowledge and experience.

214 14 3. The plan shall be consistent with the following guiding
214 15 principles:

214 16 a. The plan shall promote equal opportunity for and
214 17 provide meaningful access to wireless and other learning
214 18 technology resources for all Iowa students regardless of
214 19 geographic location or economic means.
214 20 b. The plan shall support student achievement through the
214 21 integration of learning technologies that are content-focused
214 22 and that add value to existing instructional methods.
214 23 c. The plan shall provide for the future sustainability of
214 24 learning technology resources by adapting to future
214 25 educational needs and technological changes.
214 26 d. The plan shall provide professional development and
214 27 training programs for administrators, teachers and other
214 28 educators in the use and integration of learning technology
214 29 tools in curriculum development, instructional methods, and
214 30 student assessment systems.
214 31 e. The plan shall foster economic development across all
214 32 regions of the state and the preparation of students for an
214 33 economy that embraces technology and innovation.

214 34 4. The plan shall be submitted to the general assembly on
214 35 or before December 15, 2004.

215 1 Sec. 245. NEW SECTION. 280A.4 FUND.

215 2 1. An Iowa learning technology fund is created in the
215 3 state treasury. The fund shall consist of moneys including,
215 4 but not limited to, moneys in the form of a devise, gift,
215 5 bequest, donation, federal or other grant, reimbursement,
215 6 repayment, judgment, transfer, payment, or appropriation from
215 7 any source intended to be used for the purposes of the fund.

215 8 2. Moneys in the fund are appropriated to the Iowa
215 9 learning technology commission created in section 280A.2 for
215 10 purposes of an Iowa learning technology initiative created
215 11 pursuant to section 280A.1. Moneys in the fund shall not be
215 12 subject to appropriation for any other purpose by the general
215 13 assembly. However, moneys in the fund may be used for
215 14 necessary audit services, legal expenses, investment
215 15 management fees and services, and general administrative
215 16 expenses related to the management and administration of the
215 17 Iowa learning technology initiative.

215 18 3. Moneys in the fund are not subject to section 8.33.
215 19 Notwithstanding section 12C.7, subsection 2, interest or
215 20 earnings on moneys deposited in the fund shall be credited to
215 21 the fund.

215 22 4. The fund shall be administered by the commission, which
215 23 shall make expenditures from the fund consistent with the
215 24 purposes of the initiative without further appropriation. The
215 25 fund shall be administered in a manner that provides for the
215 26 financially sustainable support, use, and integration of
215 27 learning technology in Iowa schools through a public-private
215 28 partnership. Expenditures from the fund shall be made
215 29 consistent with the purposes of the Iowa learning technology
215 30 initiative to ensure one-to-one access to and ubiquitous use
215 31 of fully configured laptop computers in grade seven in public
215 32 and accredited nonpublic school classrooms located initially
215 33 in a number of school districts and accredited nonpublic
215 34 schools in Iowa as determined by the Iowa learning technology
215 35 commission.

216 1 Sec. 246. NEW SECTION. 280A.5 REPEAL.

216 2 This chapter is repealed effective July 1, 2009.

216 3 Sec. 247. Section 346.27, subsection 10, unnumbered
216 4 paragraph 1, Code Supplement 2003, is amended to read as
216 5 follows:
216 6 After the incorporation of an authority, and before the
216 7 sale of any issue of revenue bonds, except refunding bonds,
216 8 the authority shall call an election to decide the question of
216 9 whether the authority shall issue and sell revenue bonds. The
216 10 ballot shall state the amount of the bonds and the purposes
216 11 for which the authority is incorporated. ~~Registered voters of~~
216 12 ~~the city and the unincorporated area~~ All registered voters of
216 13 the county shall be entitled to vote on the question. The
216 14 question may be submitted at a general election or at a
216 15 special election. An affirmative vote of a majority of the
216 16 votes cast on the question is required to authorize the
216 17 issuance and sale of revenue bonds.

216 18 Sec. 248. Section 346.27, subsection 25, unnumbered
216 19 paragraph 2, Code Supplement 2003, is amended to read as
216 20 follows:

216 21 The question of whether a conveyance shall be made shall be
216 22 submitted to the registered voters of the ~~city and the~~
216 23 ~~unincorporated area of the~~ county. An affirmative vote equal
216 24 to at least a majority of the total votes cast on the question
216 25 shall be required to authorize the conveyance. If the
216 26 question does not carry, the authority shall continue to
216 27 operate, maintain, and manage the building under a lease
216 28 arrangement with the incorporating units.

216 29 Sec. 249. Section 372.13, subsection 10, Code 2003, is
216 30 amended to read as follows:

216 31 10. A council member, during the term for which that
216 32 member is elected, is not precluded from holding the office of
216 33 chief of the volunteer fire department if the fire department
216 34 serves an area with a population of not more than two
216 35 thousand, ~~and if no other candidate who is not a city council~~
217 1 ~~member is available to hold the office of chief of the~~
217 2 ~~volunteer fire department.~~ A person holding the office of
217 3 chief of such a volunteer fire department at the time of the
217 4 person's election to the city council may continue to hold the
217 5 office of chief of the fire department during the city council
217 6 term for which that person was elected.

217 7 Sec. 250. Section 404A.2, unnumbered paragraph 1, Code
217 8 2003, is amended to read as follows:

217 9 The amount of the credit equals twenty-five percent of the
217 10 qualified rehabilitation costs made to eligible property. In
217 11 the case of commercial property, rehabilitation costs must
217 12 equal at least fifty percent of the assessed value of the
217 13 property, excluding the land, prior to the rehabilitation. In
217 14 the case of residential property or barns, the rehabilitation
217 15 costs must equal at least twenty-five thousand dollars or
217 16 twenty-five percent of the fair market value, excluding the
217 17 land, prior to the rehabilitation, whichever is less. In
217 18 computing the tax credit for eligible property that is
217 19 classified as residential or as commercial with multifamily
217 20 residential units, the rehabilitation costs used shall not
217 21 exceed one hundred thousand dollars per residential unit. In
217 22 computing the tax credit, the only costs which may be included
217 23 are the rehabilitation costs incurred between the period
217 24 ending on the project completion date and beginning on the
217 25 ~~later of either the date of issuance of the approval of the~~
217 26 ~~project as provided in section 404A.3 or date two years prior~~
217 27 ~~to the project completion date, provided that any qualified~~
217 28 ~~rehabilitation costs incurred prior to the date of approval of~~
217 29 ~~the project as provided in section 404A.3 must be qualified~~
217 30 ~~rehabilitation expenditures under the federal rehabilitation~~
217 31 ~~credit in section 47 of the Internal Revenue Code.~~

217 32 Sec. 251. Section 422E.1, subsection 2, Code Supplement
217 33 2003, is amended to read as follows:

217 34 2. The maximum rate of tax shall be one percent. The tax
217 35 shall be imposed without regard to any other local sales and
218 1 services tax authorized in chapter 422B, and is repealed at
218 2 the expiration of a period of ten years of imposition or a
218 3 shorter period as provided in the ballot proposition unless
218 4 the period is extended as provided in section 422E.2,
218 5 subsection 5. However, all local option sales and services
218 6 taxes for school infrastructure purposes are repealed December
218 7 31, 2022.

218 8 Sec. 252. Section 422E.2, subsection 4, paragraph a, Code
218 9 Supplement 2003, is amended to read as follows:

218 10 a. Each school district located within the county may
218 11 submit a revenue purpose statement to the county commissioner
218 12 of elections no later than sixty days prior to the election
218 13 indicating the specific purpose or purposes for which the

218 14 local sales and services tax for school infrastructure revenue
218 15 and supplemental school infrastructure amount revenue will be
218 16 expended. The revenues received pursuant to this chapter
218 17 shall be expended for the purposes indicated in the revenue
218 18 purpose statement. The revenue purpose statement may include
218 19 information regarding the school district's use of the
218 20 revenues to provide for property tax relief or debt reduction.
218 21 A copy of the revenue purpose statement shall be made
218 22 available for public inspection in accordance with chapter 22,
218 23 shall be posted at the appropriate polling places of each
218 24 school district during the hours that the polls are open, and
218 25 be published in a newspaper of general circulation in the
218 26 school district no sooner than twenty days and no later than
218 27 ten days prior to the election. Notwithstanding the
218 28 requirements for a revenue purpose statement in this
218 29 paragraph, for elections occurring after April 1, 2003, but
218 30 before August 1, 2003, a revenue purpose statement submitted
218 31 not later than April 1, 2004, shall be considered to have met
218 32 the requirements of this paragraph.

218 33 Sec. 253. Section 422E.2, subsection 5, paragraphs a and
218 34 b, Code Supplement 2003, are amended to read as follows:

218 35 a. The tax may be repealed, the period of imposition of
219 1 the tax may be extended for additional periods up to ten years
219 2 each, or the rate increased, but not above one percent, or
219 3 decreased, or the use of the revenues changed after an
219 4 election at which a majority of those voting on the question
219 5 of repeal, extension, rate change, or change in use favored
219 6 the repeal, extension, rate change, or change in use. The
219 7 election at which the question of repeal, extension, rate
219 8 change, or change in use is offered shall be called and held
219 9 in the same manner and under the same conditions as provided
219 10 in this section for the election on the imposition of the tax.
219 11 However, an election on the change in use shall only be held
219 12 in the school district where the change in use is proposed to
219 13 occur. The election may be held at any time but not sooner
219 14 than sixty days following publication of the ballot
219 15 proposition. However, the tax shall not be repealed before it
219 16 has been in effect for one year.

219 17 b. Within ten days of the election at which a majority of
219 18 those voting on the question favors the imposition, repeal,
219 19 extension, or change in the rate of the tax, the county
219 20 auditor shall give written notice of the result of the
219 21 election by sending a copy of the abstract of the votes from
219 22 the favorable election to the director of revenue. Election
219 23 costs shall be apportioned among school districts within the
219 24 county on a pro rata basis in proportion to the number of
219 25 registered voters in each school district who reside within
219 26 the county and the total number of registered voters within
219 27 the county.

219 28 Sec. 254. Section 422E.3, subsection 1, Code Supplement
219 29 2003, is amended to read as follows:

219 30 1. If a majority of those voting on the question of
219 31 imposition of a local sales and services tax for school
219 32 infrastructure purposes favors imposition of the tax, the tax
219 33 shall be imposed by the county board of supervisors within the
219 34 county pursuant to section 422E.2, at the rate specified for a
219 35 ten-year duration the period provided in section 422E.1.

220 1 subsection 2 on the gross receipts taxed by the state under
220 2 chapter 422, division IV.

220 3 Sec. 255. Section 422E.3A, subsection 2, paragraph a, Code
220 4 Supplement 2003, is amended to read as follows:

220 5 a. A school district that is located in whole or in part
220 6 in a county that voted on and approved prior to April 1, 2003,
220 7 the local sales and services tax for school infrastructure
220 8 purposes and that has a sales tax capacity per student above
220 9 the guaranteed school infrastructure amount shall receive for
220 10 the remainder of the unextended term of the tax an amount
220 11 equal to its pro rata share of the local sales and services
220 12 tax receipts as provided in section 422E.3, subsection 5,
220 13 paragraph "d", unless the school board passes a resolution by
220 14 October 1, 2003, agreeing to receive a distribution pursuant
220 15 to paragraph "b", subparagraph (1).

220 16 Sec. 256. Section 422E.3A, subsection 2, paragraph b,
220 17 subparagraphs (1) and (3), Code Supplement 2003, are amended
220 18 to read as follows:

220 19 (1) A school district that is located in whole or in part
220 20 in a county that voted on and approved prior to April 1, 2003,
220 21 the local sales and services tax for school infrastructure
220 22 purposes and that has a sales tax capacity per student below
220 23 its guaranteed school infrastructure amount shall receive for
220 24 the remainder of the unextended term of the tax an amount

220 25 equal to its pro rata share of the local sales and services
220 26 tax receipts as provided in section 422E.3, subsection 5,
220 27 paragraph "d", plus an amount equal to its supplemental school
220 28 infrastructure amount, unless the school district passes a
220 29 resolution by October 1, 2003, agreeing to receive only an
220 30 amount equal to its pro rata share as provided in section
220 31 422E.3, subsection 5, paragraph "d", in all subsequent years.

220 32 (3) A school district that is located in whole or in part
220 33 in a county that voted on and approved the ~~continuation~~
220 34 ~~extension~~ of the tax pursuant to section 422E.2, subsection 5,
220 35 on or after April 1, 2003, the local sales and services tax
221 1 for school infrastructure purposes shall receive ~~for any~~
221 2 ~~extended period~~ an amount equal to its pro rata share of the
221 3 local sales and services tax receipts as provided in section
221 4 422E.3, subsection 5, paragraph "d", not to exceed its
221 5 guaranteed school infrastructure amount. However, if the
221 6 school district's pro rata share is less than its guaranteed
221 7 school infrastructure amount, the district shall receive an
221 8 additional amount equal to its supplemental school
221 9 infrastructure amount.

221 10 Sec. 257. Section 422E.3A, subsection 2, paragraph b,
221 11 subparagraph (4), Code Supplement 2003, is amended by striking
221 12 the subparagraph.

221 13 Sec. 258. Section 422E.4, unnumbered paragraph 1, Code
221 14 Supplement 2003, is amended to read as follows:

221 15 The board of directors of a school district shall be
221 16 authorized to issue negotiable, interest-bearing school bonds,
221 17 without election, and utilize tax receipts derived from the
221 18 sales and services tax for school infrastructure purposes and
221 19 the supplemental school infrastructure amount distributed
221 20 pursuant to section 422E.3A, subsection 2, paragraph "b", for
221 21 principal and interest repayment. Proceeds of the bonds
221 22 issued pursuant to this section shall be utilized solely for
221 23 school infrastructure needs as school infrastructure is
221 24 defined in section 422E.1, subsection 3. ~~Issuance of bonds~~
221 25 ~~pursuant to this section shall be permitted only in a district~~
221 26 ~~which has imposed a local sales and services tax for school~~
221 27 ~~infrastructure purposes pursuant to section 422E.2. The~~
221 28 ~~provisions of sections 298.22 through 298.24 shall apply~~
221 29 ~~regarding the form, rate of interest, registration,~~
221 30 ~~redemption, and recording of bond issues pursuant to this~~
221 31 ~~section, with the exception that the maximum period during~~
221 32 ~~which principal on the bonds is payable shall not exceed the~~
221 33 ~~date of repeal stated on the ballot proposition. Bonds issued~~
221 34 ~~under this section may be sold at public or private sale as~~
221 35 ~~provided in chapter 75 without notice and hearing as provided~~
222 1 ~~in section 73A.12. Bonds may bear dates, bear interest at~~
222 2 ~~rates not exceeding that permitted by chapter 74A, mature in~~
222 3 ~~one or more installments, be in registered form, carry~~
222 4 ~~registration and conversion privileges, be payable as to~~
222 5 ~~principal and interest at times and places, be subject to~~
222 6 ~~terms of redemption prior to maturity with or without premium,~~
222 7 ~~and be in one or more denominations, all as provided by the~~
222 8 ~~resolution of the board of directors authorizing their~~
222 9 ~~issuance. The resolution may also prescribe additional~~
222 10 ~~provisions, terms, conditions, and covenants which the board~~
222 11 ~~of directors deems advisable, including provisions for~~
222 12 ~~creating and maintaining reserve funds, the issuance of~~
222 13 ~~additional bonds ranking on a parity with such bonds and~~
222 14 ~~additional bonds junior and subordinate to such bonds, and~~
222 15 ~~that such bonds shall rank on a parity with or be junior and~~
222 16 ~~subordinate to any bonds which may be then outstanding. Bonds~~
222 17 ~~may be issued to refund outstanding and previously issued~~
222 18 ~~bonds under this section. Local option sales and services tax~~
222 19 ~~revenue bonds are a contract between the school district and~~
222 20 ~~holders, and the resolution issuing the bonds and pledging~~
222 21 ~~local option sales and services tax revenues to the payment of~~
222 22 ~~principal and interest on the bonds is a part of the contract.~~
222 23 ~~Bonds issued pursuant to this section shall not constitute~~
222 24 ~~indebtedness within the meaning of any constitutional or~~
222 25 ~~statutory debt limitation or restriction, and shall not be~~
222 26 ~~subject to any other law relating to the authorization,~~
222 27 ~~issuance, or sale of bonds.~~

222 28 Sec. 259. PAYMENTS IN LIEU OF GENERAL FUND REIMBURSEMENT.
222 29 Notwithstanding the amount of the standing appropriation from
222 30 the general fund of the state in the following designated
222 31 sections and notwithstanding any conflicting provisions or
222 32 voting requirements of section 8.56, there is appropriated
222 33 from the cash reserve fund in lieu of the appropriations in
222 34 the following designated sections for the fiscal year
222 35 beginning July 1, 2004, and ending June 30, 2005, the

1 following amounts for the following designated purposes:
 2 1. For reimbursement for the homestead property tax credit
 3 under section 425.1:
 4 \$102,945,379
 5 2. For reimbursement for the agricultural land and family
 6 farm tax credits under sections 425A.1 and 426.1:
 7 \$ 34,610,183
 8 3. For reimbursement for the military service tax credit
 9 under section 426A.1A:
 10 \$ 2,568,402
 11 4. For implementing the elderly and disabled credit and
 12 reimbursement pursuant to sections 425.16 through 425.40:
 13 \$ 19,540,000
 14 If the sum of the amount of claims for credit for property
 15 taxes due plus the amount of claims for reimbursement for rent
 16 constituting property tax paid which are to be paid during the
 17 fiscal year beginning July 1, 2004, exceeds the amount
 18 appropriated in this subsection, the director of revenue shall
 19 prorate the payments for the property tax credit and for
 20 reimbursement for rent constituting property tax paid. In
 21 order for the director to carry out the requirements of this
 22 subsection, notwithstanding any provision to the contrary in
 23 chapter 425, claims for reimbursement for rent constituting
 24 property taxes paid filed before May 1, 2005, shall be
 25 eligible to be paid during the fiscal year ending June 30,
 26 2005, and those claims filed on or after May 1, 2005, shall be
 27 eligible to be paid during the fiscal year beginning July 1,
 28 2005, and the director is not required to make payments to
 29 counties for the property tax credit before June 15, 2005.
 30 Sec. 260. Section 455B.174, subsection 4, Code 2003, is
 31 amended by adding the following new paragraph:
 32 NEW PARAGRAPH. e. If a public water supply has a
 33 groundwater source that contains petroleum, a fraction of
 34 crude oil, or their degradation products, or is located in an
 35 area deemed by the department as likely to be contaminated by
 1 such materials, and after consultation with the public water
 2 supply and consideration of all applicable rules relating to
 3 remediation, the department may require the public water
 4 supply to replace that groundwater source in order to receive
 5 a permit to operate. The requirement to replace the source
 6 shall only be made by the department if the public water
 7 supply is fully compensated for any additional design,
 8 construction, operation, and monitoring costs from the Iowa
 9 comprehensive petroleum underground storage tank fund created
 10 by chapter 455G or from any other funds that do not impose a
 11 financial obligation on the part of the public water supply.
 12 Funds available to or provided by the public water supply may
 13 be used for system improvements made in conjunction with
 14 replacement of the source. The department cannot require a
 15 public water supply to replace its water source with a less
 16 reliable water source or with a source that does not meet
 17 federal primary, secondary, or other health-based standards
 18 unless treatment is provided to ensure that the drinking water
 19 meets these standards. Nothing in this paragraph shall affect
 20 the public water supply's right to pursue recovery from a
 21 responsible party.
 22 Sec. 261. Section 455B.310, Code 2003, is amended by
 23 adding the following new subsection:
 24 NEW SUBSECTION. 10. Nonmetallic material processed by an
 25 industrial shredder, and commonly referred to as shredder
 26 fluff, which is disposed of as solid waste or otherwise used
 27 by a sanitary landfill is exempt from the imposition of the
 28 tonnage fee under this section.
 29 Sec. 262. Section 535.8, subsection 2, paragraph b,
 30 unnumbered paragraph 2, Code 2003, as amended by 2004 Iowa
 31 Acts, House File 2484, if enacted, is amended to read as
 32 follows:
 33 The lender shall not charge the borrower for the cost of
 34 revenue stamps or real estate commissions which are paid by
 35 the seller.
 1 The collection of any costs other than as expressly
 2 permitted by this paragraph "b" is prohibited. However,
 3 additional costs incurred in connection with a loan under this
 4 paragraph "b", if bona fide and reasonable, may be collected
 5 by a state-chartered financial institution licensed under
 6 chapter 524, 533, or 534, to the extent permitted under
 7 applicable federal law as determined by the office of the
 8 comptroller of the currency of the United States department of
 9 treasury, the national credit union ~~association~~
 10 administration, or the office of thrift supervision of the
 11 United States department of treasury. Such costs shall apply

225 12 only to the same type of ~~state chartered~~ state=chartered
225 13 entity as the federally chartered entity affected and to an
225 14 insurer organized under chapter 508 or 515, or otherwise
225 15 authorized to conduct the business of insurance in this state.
225 16 Sec. 263. Section 668B.2, subsection 1, if enacted by 2004
225 17 Iowa Acts, House File 2440, section 2, is amended to read as
225 18 follows:
225 19 1. "Health care provider" means a physician as defined in
225 20 section 135.1, a licensed physician assistant as defined in
225 21 section 148C.1, a nurse, including an advanced registered
225 22 nurse practitioner, licensed pursuant to chapter 152, a
225 23 hospital as defined in section 135B.1, and a health care
225 24 facility as defined in section 135C.1, and a federally
225 25 licensed, regulated, or registered nonprofit blood bank, blood
225 26 center, or plasma center that is collecting, processing, or
225 27 distributing whole human blood, blood components, plasma,
225 28 blood fractions, or blood derivatives for use by a licensed
225 29 health care provider.
225 30 Sec. 264. COLLECTIVE BARGAINING AGREEMENTS FUNDED ==
225 31 GENERAL FUND. The various state departments, boards,
225 32 commissions, councils, and agencies, including the state board
225 33 of regents, for the fiscal year beginning July 1, 2004, and
225 34 ending June 30, 2005, shall provide from available sources pay
225 35 adjustments, expense reimbursements, and related benefits to
226 1 fully fund the following:
226 2 1. The collective bargaining agreement negotiated pursuant
226 3 to chapter 20 for employees in the blue collar bargaining
226 4 unit.
226 5 2. The collective bargaining agreement negotiated pursuant
226 6 to chapter 20 for employees in the public safety bargaining
226 7 unit.
226 8 3. The collective bargaining agreement negotiated pursuant
226 9 to chapter 20 for employees in the security bargaining unit.
226 10 4. The collective bargaining agreement negotiated pursuant
226 11 to chapter 20 for employees in the technical bargaining unit.
226 12 5. The collective bargaining agreement negotiated pursuant
226 13 to chapter 20 for employees in the professional fiscal and
226 14 staff bargaining unit.
226 15 6. The collective bargaining agreement negotiated pursuant
226 16 to chapter 20 for employees in the clerical bargaining unit.
226 17 7. The collective bargaining agreement negotiated pursuant
226 18 to chapter 20 for employees in the professional social
226 19 services bargaining unit.
226 20 8. The collective bargaining agreement negotiated pursuant
226 21 to chapter 20 for employees in the community-based corrections
226 22 bargaining unit.
226 23 9. The collective bargaining agreements negotiated
226 24 pursuant to chapter 20 for employees in the judicial branch of
226 25 government bargaining units.
226 26 10. The collective bargaining agreement negotiated
226 27 pursuant to chapter 20 for employees in the patient care
226 28 bargaining unit.
226 29 11. The collective bargaining agreement negotiated
226 30 pursuant to chapter 20 for employees in the science bargaining
226 31 unit.
226 32 12. The collective bargaining agreement negotiated
226 33 pursuant to chapter 20 for employees in the university of
226 34 northern Iowa faculty bargaining unit.
226 35 13. The collective bargaining agreement negotiated
227 1 pursuant to chapter 20 for employees in the state university
227 2 of Iowa graduate student bargaining unit.
227 3 14. The collective bargaining agreement negotiated
227 4 pursuant to chapter 20 for employees in the state university
227 5 of Iowa hospital and clinics tertiary health care bargaining
227 6 unit.
227 7 15. The annual pay adjustments, related benefits, and
227 8 expense reimbursements referred to in section 265 of this
227 9 division of this Act for employees not covered by a collective
227 10 bargaining agreement.
227 11 Sec. 265. NONCONTRACT STATE EMPLOYEES == GENERAL.
227 12 1. a. For the fiscal year beginning July 1, 2004, the
227 13 maximum salary levels of all pay plans provided for in section
227 14 8A.413, subsection 2, as they exist for the fiscal year ending
227 15 June 30, 2004, shall be increased by 2 percent for the pay
227 16 period beginning December 31, 2004, and any additional changes
227 17 in the pay plans shall be approved by the governor.
227 18 b. For the fiscal year beginning July 1, 2004, employees
227 19 may receive a step increase or the equivalent of a step
227 20 increase.
227 21 2. The pay plans for state employees who are exempt from
227 22 chapter 8A, Article 4, and who are included in the department

227 23 of administrative service's centralized payroll system shall
 227 24 be increased in the same manner as provided in subsection 1,
 227 25 and any additional changes in any executive branch pay plans
 227 26 shall be approved by the governor.
 227 27 3. This section does not apply to members of the general
 227 28 assembly, board members, commission members, salaries of
 227 29 persons set by the general assembly pursuant to this division
 227 30 of this Act or set by the governor, employees designated under
 227 31 section 8A.412, subsection 5, and employees covered by 11 IAC
 227 32 53.6(3).
 227 33 4. The pay plans for the bargaining eligible employees of
 227 34 the state other than the employees of the state board of
 227 35 regents shall be increased in the same manner as provided in
 228 1 subsection 1, and any additional changes in such executive
 228 2 branch pay plans shall be approved by the governor. As used
 228 3 in this section, "bargaining eligible employee" means an
 228 4 employee who is eligible to organize under chapter 20, but has
 228 5 not done so.
 228 6 5. The policies for implementation of this section shall
 228 7 be approved by the governor.
 228 8 Sec. 266. APPROPRIATIONS FROM ROAD FUNDS.
 228 9 1. There is appropriated from the road use tax fund to the
 228 10 salary adjustment fund for the fiscal year beginning July 1,
 228 11 2004, and ending June 30, 2005, the following amount, or so
 228 12 much thereof as may be necessary, to be used for the purpose
 228 13 designated:
 228 14 To supplement other funds appropriated by the general
 228 15 assembly:
 228 16 \$ 3,000,000
 228 17 2. There is appropriated from the primary road fund to the
 228 18 salary adjustment fund, for the fiscal year beginning July 1,
 228 19 2004, and ending June 30, 2005, the following amount, or so
 228 20 much thereof as may be necessary, to be used for the purpose
 228 21 designated:
 228 22 To supplement other funds appropriated by the general
 228 23 assembly:
 228 24 \$ 12,000,000
 228 25 3. Except as otherwise provided in this division of this
 228 26 Act, the amounts appropriated in subsections 1 and 2 shall be
 228 27 used to fund the annual pay adjustments, expense
 228 28 reimbursements, and related benefits for public employees as
 228 29 provided in this division of this Act.
 228 30 Sec. 267. SPECIAL FUNDS == AUTHORIZATION. To departmental
 228 31 revolving, trust, or special funds, except for the primary
 228 32 road fund or the road use tax fund, for which the general
 228 33 assembly has established an operating budget, a supplemental
 228 34 expenditure authorization is provided, unless otherwise
 228 35 provided, in an amount necessary to fund salary adjustments as
 229 1 otherwise provided in this division of this Act.
 229 2 Sec. 268. FEDERAL FUNDS APPROPRIATED. All federal grants
 229 3 to and the federal receipts of the agencies affected by this
 229 4 division of this Act which are received and may be expended
 229 5 for purposes of pay adjustments and related benefits as
 229 6 covered in this division of this Act are appropriated for
 229 7 those purposes and as set forth in the federal grants or
 229 8 receipts.
 229 9 Sec. 269. STATE TROOPER MEAL ALLOWANCE. The sworn peace
 229 10 officers in the department of public safety who are not
 229 11 covered by a collective bargaining agreement negotiated
 229 12 pursuant to chapter 20 shall receive the same per diem meal
 229 13 allowance as the sworn peace officers in the department of
 229 14 public safety who are covered by a collective bargaining
 229 15 agreement negotiated pursuant to chapter 20.
 229 16 Sec. 270. 2001 Iowa Acts, chapter 174, section 1,
 229 17 subsection 2, as amended by 2002 Iowa Acts, chapter 1174,
 229 18 section 8, and 2003 Iowa Acts, chapter 179, section 38, is
 229 19 amended to read as follows:
 229 20 2. There is appropriated from the general fund of the
 229 21 state to the endowment for Iowa's health account of the
 229 22 tobacco settlement trust fund created in section 12E.12, for
 229 23 the designated fiscal years, the following amounts, to be used
 229 24 for the purposes specified in section 12E.12 for the endowment
 229 25 for Iowa's health account:
 229 26 FY 2001=2002 \$ 7,248,000
 229 27 FY 2003=2004 \$ 0
 229 28 FY 2004=2005 \$ ~~29,785,000~~
 229 29 0
 229 30 FY 2005=2006 \$ 29,562,000
 229 31 FY 2006=2007 \$ 17,773,000
 229 32 Sec. 271. 2003 Iowa Acts, chapter 178, section 28,
 229 33 unnumbered paragraph 3, is amended to read as follows:

229 34 Notwithstanding section 8.64, subsection 4, as enacted by
229 35 this division of this Act, the local government innovation
230 1 fund committee may provide ~~up to 20 percent of the any~~ amount
230 2 appropriated in this section in the form of forgivable loans
230 3 or as grants for those projects that propose a new and
230 4 innovative sharing initiative that would serve as an important
230 5 model for cities and counties.

230 6 Sec. 272. Notwithstanding section 8.33, moneys
230 7 appropriated in 2003 Iowa Acts, chapter 178, section 62, and
230 8 2003 Iowa Acts, chapter 181, section 11, subsection 3, which
230 9 remain unencumbered or unobligated at the close of the fiscal
230 10 year beginning July 1, 2003, shall not revert but shall remain
230 11 available for expenditure for the purposes for which they were
230 12 appropriated for the fiscal year beginning July 1, 2004.

230 13 Sec. 273. 2004 Iowa Acts, House File 2490, section 8, if
230 14 enacted, is repealed.

230 15 Sec. 274. 2003 Iowa Acts, chapter 179, section 21,
230 16 unnumbered paragraph 5, is amended to read as follows:

230 17 Notwithstanding section 8.33, unencumbered or unobligated
230 18 funds remaining on June 30, 2003, from the appropriation made
230 19 in this section shall not revert but shall remain available to
230 20 be used for the purposes designated ~~in the following fiscal~~
~~230 21 year until the end of the fiscal year beginning July 1, 2004.~~

~~230 22 Funds appropriated in this section remaining unencumbered or~~
~~230 23 unobligated at the end of the fiscal year beginning July 1,~~
~~230 24 2004, shall not revert but shall remain available to be used~~
~~230 25 for the purposes designated and for a home ownership~~
~~230 26 assistance program for eligible members of the national guard~~
~~230 27 and reserves of the armed forces of the United States and the~~
~~230 28 members' immediate families.~~

230 29 Sec. 275. 2003 Iowa Acts, First Extraordinary Session,
230 30 chapter 2, section 4, unnumbered paragraph 3, is amended to
230 31 read as follows:

230 32 Notwithstanding section 8.64, subsection 4, if enacted by
230 33 2003 Iowa Acts, Senate File 453, section 27, the local
230 34 government innovation fund committee may provide ~~up to 20~~
~~230 35 percent of the any~~ amount appropriated in this section in the
231 1 form of forgivable loans or as grants for those projects that
231 2 propose a new and innovative sharing initiative that would
231 3 serve as an important model for cities and counties.

231 4 Sec. 276. UNFILLED VACANCIES == STATE BOARD OF REGENTS.
231 5 The state board of regents shall report on the policies of the
231 6 institutions under the authority of the state board for
231 7 addressing the budget ramifications associated with unfilled
231 8 vacant positions. If a policy does not exist, the state board
231 9 shall provide for implementation of such a policy and report
231 10 concerning the policy to the government oversight committees
231 11 of the senate and house of representatives. The report shall
231 12 be submitted on or before December 15, 2004.

231 13 Sec. 277. STATE BOARD OF REGENTS BONDING.

231 14 1. FINDINGS. The general assembly finds that:

231 15 a. Pursuant to section 262A.3, the state board of regents
231 16 prepared and within seven days after the convening of the
231 17 Eightieth General Assembly of the State of Iowa, Second
231 18 Session, submitted to the Eightieth General Assembly, Second
231 19 Session, for approval the proposed five-year building program
231 20 for each institution of higher learning under the jurisdiction
231 21 of the board, containing a list of the buildings and
231 22 facilities which the board deems necessary to further the
231 23 educational objectives of the institutions, together with an
231 24 estimate of the cost of each of the buildings and facilities
231 25 and an estimate of the maximum amount of revenue bonds which
231 26 the board expects to issue under chapter 262A to finance the
231 27 costs of the projects.

231 28 b. The projects contained in the capital improvement
231 29 program are deemed necessary for the proper performance of the
231 30 instructional, research, and service functions of the
231 31 institutions.

231 32 c. Section 262A.4 provides that the state board of
231 33 regents, after authorization by a constitutional majority of
231 34 each house of the general assembly and approval by the
231 35 governor, may undertake and carry out at the institutions of
232 1 higher learning under the jurisdiction of the board any
232 2 project as defined in chapter 262A.

232 3 d. Chapter 262A authorizes the state board of regents to
232 4 borrow moneys and to issue and sell negotiable revenue bonds
232 5 to pay all or any part of the cost of carrying out projects at
232 6 any institution payable solely from and secured by an
232 7 irrevocable pledge of a sufficient portion of the student fees
232 8 and charges and institutional income received by the
232 9 particular institution.

232 10 e. To further the educational objectives of the
232 11 institutions, the state board of regents requests
232 12 authorization to undertake and carry out certain projects at
232 13 this time and to finance their costs by borrowing moneys and
232 14 issuing negotiable bonds under chapter 262A in a total amount
232 15 as provided in this section, with the remaining costs of the
232 16 projects to be financed by appropriations or by federal or
232 17 other funds lawfully available.

232 18 2. APPROVAL == LIMITS.

232 19 a. The proposed five-year building program submitted by
232 20 the state board of regents for each institution of higher
232 21 learning under its jurisdiction is approved and no commitment
232 22 is implied or intended by approval to fund any portion of the
232 23 proposed five-year building program submitted by the state
232 24 board of regents beyond the portion that is financed and
232 25 approved by the Eightieth General Assembly, Second Session,
232 26 and the governor.

232 27 b. The maximum amount of bonds which the state board of
232 28 regents expects to issue under chapter 262A, unless additional
232 29 bonding is authorized, is set forth in this section, and this
232 30 plan of financing is approved.

232 31 3. PROJECTS. The state board of regents is authorized to
232 32 undertake, plan, construct, improve, repair, remodel, furnish,
232 33 and equip, and otherwise carry out the following projects at
232 34 the institutions of higher learning under the jurisdiction of
232 35 the board, and the general assembly authorizes the state board
233 1 of regents to borrow moneys and to issue and sell negotiable
233 2 revenue bonds in the amount of \$120,000,000 in the manner
233 3 provided in sections 262A.5 and 262A.6 in order to pay all or
233 4 any part of the costs of carrying out the projects at the
233 5 institutions as follows:

233 6 a. Iowa state university of science and technology
233 7 For the veterinary teaching hospital == diagnostic lab,
233 8 Coover hall == information science, and for fire safety costs:
233 9 \$ 48,000,000

233 10 b. State university of Iowa
233 11 For the chemistry building renovation, phase II of the art
233 12 building renovation, and for fire safety costs:
233 13 \$ 50,000,000

233 14 c. University of northern Iowa
233 15 For the science buildings renovation project and for the
233 16 Russell hall renovation:
233 17 \$ 22,000,000
233 18 Total \$120,000,000

233 19 4. Notwithstanding the limitation established in
233 20 subsection 3, the amount of bonds issued as authorized in
233 21 subsection 3 may be exceeded by the amount the state board of
233 22 regents determines to be necessary to capitalize bond
233 23 reserves, interest during construction, and issuance costs.

233 24 Sec. 278. COMMERCIAL VEHICLE REGISTRATION FEES == REFUND.
233 25 Notwithstanding the provisions relating to the registration of
233 26 commercial vehicles, as defined in section 321.1, the
233 27 requirement of the return of the registration plate and
233 28 registration receipt to the state department of
233 29 transportation, and the time limit for applying for a refund,
233 30 any person that sold a commercial vehicle between January 1,
233 31 2002, and April 1, 2002, shall receive a refund of any
233 32 registration fees, penalties, or interest assessed related to
233 33 the registration of such vehicle for a registration year
233 34 beginning in the 2002 calendar year if all of the following
233 35 apply:

234 1 1. The person failed to register the commercial vehicle
234 2 for the registration year beginning in the 2002 calendar year.

234 3 2. The commercial vehicle was sold by the person to
234 4 another during the period beginning January 1, 2002, and
234 5 ending April 1, 2002, and the purchaser registered the vehicle
234 6 for all or part of the registration year beginning in the 2002
234 7 calendar year.

234 8 3. A claim for refund pursuant to this section is filed
234 9 with the state department of transportation after the
234 10 effective date of this section and prior to August 1, 2004.

234 11 Sec. 279. ACCESS TO NECESSARY PRESCRIPTION DRUGS == FREE
234 12 CLINIC TEST PROGRAM FOR PERSONS WHO ARE UNINSURED OR
234 13 UNDERINSURED. There is appropriated from the general fund of
234 14 the state to the Iowa department of public health for the
234 15 fiscal year beginning July 1, 2004, and ending June 30, 2005,
234 16 the following amount, or so much thereof as is necessary, to
234 17 be used for the purpose designated:

234 18 For the bureau of health care access to issue a grant in
234 19 accordance with this section:
234 20 \$ 10,000

234 21 The entire amount appropriated in this section shall be
234 22 issued by the bureau as a grant to a free clinic, as defined
234 23 in section 135.24, operating in one county. The grant shall
234 24 be used by the free clinic to establish a partnership and test
234 25 program for a buying cooperative approach for purchasing
234 26 prescription drugs at a price less than retail. The
234 27 prescription drugs purchased through the approach shall be
234 28 provided to patients of the free clinic who are uninsured or
234 29 underinsured.

234 30 Sec. 280. MODIFIED ADDITIONAL ALLOWABLE GROWTH. For the
234 31 fiscal year beginning July 1, 2004, and ending June 30, 2005,
234 32 notwithstanding anything contrary in section 257.18,
234 33 subsection 2, if the board adopts a resolution, not later than
234 34 April 15, 2004, to increase its participation in the
234 35 instructional support program under section 257.18 and a
235 1 petition is not filed or if the question is submitted to the
235 2 registered voters of the school district and the question is
235 3 approved, the school budget review committee shall establish
235 4 modified allowable growth for the school district for the
235 5 fiscal year beginning July 1, 2004, for the amount of
235 6 increased spending authority. The modified allowable growth
235 7 shall equal the sum of the increased state aid, income surtax,
235 8 and property tax portion of the instructional support program
235 9 requested by the district. The district is not eligible for
235 10 state aid as determined under section 257.20 due to increased
235 11 participation percent.

235 12 Sec. 281. CHARTER AGENCIES == FULL=TIME EQUIVALENT
235 13 EMPLOYEE LIMITS == REVERSIONS.

235 14 1. Notwithstanding any limitation on the number of full=
235 15 time equivalent employees for the fiscal year beginning July
235 16 1, 2004, and ending June 30, 2005, stated in this Act or any
235 17 other Act, the personnel management provisions of section
235 18 7J.1, subsection 4, shall remain applicable to those state
235 19 departments or agencies designated as a charter agency under
235 20 chapter 7J.

235 21 2. The provisions of section 7J.1, subsection 3, paragraph
235 22 "c", relating to reversions, are not applicable to any
235 23 appropriation made to a charter agency that this Act or any
235 24 other Act provides is not subject to reversion.

235 25 Sec. 282. PREVAILING LEGISLATION. If 2004 Iowa Acts,
235 26 Senate File 399 is enacted and includes a provision increasing
235 27 the criminal penalty surcharge to thirty=two percent of a fine
235 28 or forfeiture, the following shall be the consequence:

235 29 1. The thirty percent surcharge set out in the amendment
235 30 to section 911.1, Code 2003, in 2004 Iowa Acts, House File
235 31 2530, section 10, if enacted, is null and void, and 2004 Iowa
235 32 Acts, House File 2530, section 10, if enacted, is amended to
235 33 provide for the surcharge at thirty=two percent to conform to
235 34 the thirty=two percent provision included in 2004 Iowa Acts,
235 35 Senate File 399.

236 1 2. As a result of including the thirty=two percent
236 2 provision in 2004 Iowa Acts, House File 2530, section 10, if
236 3 enacted, the section of 2004 Iowa Acts, Senate File 399
236 4 amending section 911.2, Code 2003, is null and void.

236 5 Sec. 283. Section 266.31, Code 2003, is repealed.

236 6 Sec. 284. Section 266.39D, Code Supplement 2003, is
236 7 repealed.

236 8 Sec. 285. STATE PERCENT OF GROWTH DEADLINES AND
236 9 RESTRICTIONS == INAPPLICABILITY. The thirty=day deadline and
236 10 restrictions for the enactment of the state percent of growth
236 11 provided in section 257.8 do not apply to this Act.

236 12 Sec. 286. APPOINTMENTS. The new appointees to the
236 13 commission of veterans affairs, pursuant to the increase in
236 14 the membership of the commission as provided in this division
236 15 of this Act, shall be appointed by the governor, with one
236 16 member being appointed for an initial term of two years and
236 17 one member being appointed for an initial term of four years.

236 18 Sec. 287. EFFECTIVE AND APPLICABILITY DATE PROVISIONS.

236 19 1. The section of this division of this Act enacting
236 20 section 153.40 takes effect upon receipt of the Iowa
236 21 department of public health of federal funding to establish a
236 22 mobile dental delivery system. The director of public health
236 23 shall notify the Iowa code editor that the funding has been
236 24 received.

236 25 2. The sections of this division of this Act amending
236 26 sections 257.8 and 257.35 are applicable for computing state
236 27 aid under the state school foundation program for the school
236 28 budget year beginning July 1, 2004.

236 29 3. The sections of this division of this Act amending
236 30 sections 257.14, 346.27, and 422E.2, being deemed of immediate
236 31 importance, take effect upon enactment.

236 32 4. The section relating to the refund for commercial
236 33 vehicle registration fees, penalties, and interest, being
236 34 deemed of immediate importance takes effect upon enactment.
236 35 5. The section of this division of this Act amending
237 1 section 404A.2, being deemed of immediate importance, takes
237 2 effect upon enactment and applies retroactively to July 1,
237 3 2002.
237 4 6. The section of this division of this Act providing
237 5 modified allowable growth for school districts to participate
237 6 in an instructional support program, being deemed of immediate
237 7 importance, takes effect upon enactment.
237 8 7. The section of the division of this Act amending 2003
237 9 Iowa Acts, chapter 179, section 21, being deemed of immediate
237 10 importance, takes effect upon enactment.
237 11 8. The section of this division of this Act relating to
237 12 the nonreversion of moneys appropriated pursuant to 2003 Iowa
237 13 Acts, chapter 178, section 62, and 2003 Iowa Acts, chapter
237 14 181, section 11, being deemed of immediate importance, takes
237 15 effect upon enactment.
237 16 9. The sections of this division of this Act relating to
237 17 the increase in membership of the commission of veterans
237 18 affairs, being deemed of immediate importance, take effect
237 19 upon enactment.
237 20 10. The section of this division of this Act repealing
237 21 2004 Iowa Acts, House File 2490, section 8, if enacted, being
237 22 deemed of immediate importance, takes effect upon enactment.
237 23 11. The sections of this division of this Act amending
237 24 sections 8.22A and 8.54, being deemed of immediate importance,
237 25 take effect upon enactment.

237 26 DIVISION XI

237 27 REBUILD IOWA INFRASTRUCTURE FUND

237 28 Sec. 288. There is appropriated from the rebuild Iowa
237 29 infrastructure fund to the following departments and agencies
237 30 for the designated fiscal years, the following amounts, or so
237 31 much thereof as is necessary, to be used for the purposes
237 32 designated:

237 33 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

237 34 a. For routine maintenance of state buildings and
237 35 facilities, notwithstanding section 8.57, subsection 5,
238 1 paragraph "c":

238 2 FY 2004=2005..... \$ 2,000,000

238 3 b. For relocation costs directly associated with
238 4 remodeling projects on the capitol complex and for facility
238 5 lease payments for the department of corrections, the Iowa
238 6 department of public health, and the department of public
238 7 safety, notwithstanding section 8.57, subsection 5, paragraph
238 8 "c":

238 9 FY 2004=2005..... \$ 2,271,617

238 10 c. For technology improvement projects, notwithstanding
238 11 section 8.57, subsection 5, paragraph "c":

238 12 FY 2004=2005..... \$ 1,861,496

238 13 Of the amount appropriated in this lettered paragraph,
238 14 \$288,496 is allocated to maintain and operate the enterprise
238 15 warehouse technology project and \$73,000 is allocated to the
238 16 division of criminal and juvenile justice planning of the
238 17 department of human rights for 1.00 full-time equivalent
238 18 position to provide support for the justice data warehouse
238 19 technology project.

238 20 d. For major renovation and major repair needs, including
238 21 health, life, and fire safety needs, and for compliance with
238 22 the federal Americans With Disabilities Act, for state
238 23 buildings and facilities under the purview of the department:

238 24 FY 2004=2005..... \$ 4,300,000

238 25 (1) Of the amount appropriated in this lettered paragraph,
238 26 up to \$375,000 may be used for costs associated with project
238 27 management services in the division of design and construction
238 28 within the general services enterprise of the department,
238 29 notwithstanding section 8.57, subsection 5, paragraph "c".

238 30 (2) Of the amount appropriated in this lettered paragraph,
238 31 \$200,000 may be used for costs associated with the vertical
238 32 infrastructure program, notwithstanding section 8.57,
238 33 subsection 5, paragraph "c".

238 34 e. For costs associated with the remodeling of the records
238 35 and property center:

239 1 FY 2004=2005..... \$ 5,000,000

239 2 FY 2005=2006..... \$ 4,700,000

239 3 f. For accent lighting systems for the soldiers and
239 4 sailors monument and the Allison monument on the capitol
239 5 complex:

239 6 FY 2004=2005..... \$ 35,000

239 7 g. For capitol interior restoration:

239 8 FY 2004=2005..... \$ 1,770,000
 239 9 h. For costs associated with the purchase of laboratory
 239 10 equipment for and the maintenance and operation of the state
 239 11 laboratories facility located in Ankeny, notwithstanding
 239 12 section 8.57, subsection 5, paragraph "c":
 239 13 FY 2004=2005..... \$ 355,500
 239 14 2. DEPARTMENT FOR THE BLIND
 239 15 For the remodeling of the orientation center:
 239 16 FY 2004=2005..... \$ 67,000
 239 17 3. STATE BOARD OF REGENTS
 239 18 For maintenance at the Iowa school for the deaf and the
 239 19 Iowa braille and sight saving school:
 239 20 FY 2004=2005..... \$ 500,000
 239 21 4. DEPARTMENT OF CORRECTIONS
 239 22 a. For costs of entering into a lease=purchase agreement
 239 23 to connect the electrical system supporting the special needs
 239 24 unit at Fort Madison:
 239 25 FY 2004=2005..... \$ 333,168
 239 26 b. For construction of a community=based correctional
 239 27 facility, including district offices, in Davenport:
 239 28 FY 2004=2005..... \$ 3,000,000
 239 29 FY 2005=2006..... \$ 3,750,000
 239 30 FY 2006=2007..... \$ 3,750,000
 239 31 It is the intent of the general assembly that the
 239 32 department of management allocate the entire appropriation for
 239 33 the fiscal year beginning July 1, 2006, to the department of
 239 34 corrections by July 31, 2006.
 239 35 5. DEPARTMENT OF CULTURAL AFFAIRS
 240 1 a. For historical site preservation grants, to be used for
 240 2 the restoration, preservation, and development of historical
 240 3 sites:
 240 4 FY 2004=2005..... \$ 500,000
 240 5 Historical site preservation grants shall only be awarded
 240 6 for projects which meet the definition of "vertical
 240 7 infrastructure" in section 8.57, subsection 5, paragraph "c".
 240 8 In making grants pursuant to this lettered paragraph, the
 240 9 department shall consider the existence and amount of other
 240 10 funds available to an applicant for the designated project. A
 240 11 grant awarded from moneys appropriated in this lettered
 240 12 paragraph shall not exceed \$100,000 per project. Not more
 240 13 than two grants may be awarded in the same county.
 240 14 b. For continuation of the project recommended by the Iowa
 240 15 battle flag advisory committee to stabilize the condition of
 240 16 the battle flag collection, notwithstanding section 8.57,
 240 17 subsection 5, paragraph "c":
 240 18 FY 2004=2005..... \$ 100,000
 240 19 6. DEPARTMENT OF ECONOMIC DEVELOPMENT
 240 20 a. For accelerated career education program capital
 240 21 projects at community colleges that are authorized under
 240 22 chapter 260G and that meet the definition of "vertical
 240 23 infrastructure" in section 8.57, subsection 5, paragraph "c":
 240 24 FY 2004=2005..... \$ 5,500,000
 240 25 The moneys appropriated in this paragraph shall be
 240 26 allocated equally among the community colleges in the state.
 240 27 If any portion of the equal allocation to a community college
 240 28 is not obligated or encumbered by April 1, 2005, the
 240 29 unobligated and unencumbered portions shall be available for
 240 30 use by other community colleges.
 240 31 b. For sole source grant costs associated with the hosting
 240 32 of the national special Olympics in Iowa by a special Olympics
 240 33 nonprofit entity, notwithstanding section 8.57, subsection 5,
 240 34 paragraph "c":
 240 35 FY 2004=2005..... \$ 500,000
 241 1 c. To provide a grant for the planning, design, and
 241 2 construction of a not=for=profit family recreational facility
 241 3 that will also include a cardiac rehabilitation center and a
 241 4 family indoor aquatic center and which will be located in a
 241 5 county with a population between 150,000 and 185,000:
 241 6 FY 2004=2005..... \$ 200,000
 241 7 d. To be used for the Iowa Lewis and Clark bicentennial
 241 8 commission established pursuant to section 15.221,
 241 9 notwithstanding section 8.57, subsection 5, paragraph "c":
 241 10 FY 2004=2005..... \$ 50,000
 241 11 7. DEPARTMENT OF EDUCATION
 241 12 a. To provide resources for structural and technological
 241 13 improvements to local libraries and for the enrich Iowa
 241 14 program, notwithstanding section 8.57, subsection 5, paragraph
 241 15 "c":
 241 16 FY 2004=2005..... \$ 600,000
 241 17 Funds allocated for purposes of the enrich Iowa program as
 241 18 provided in this lettered paragraph shall be distributed by

241 19 the division of libraries and information services to provide
 241 20 support for Iowa's libraries.
 241 21 b. For maintenance and lease costs associated with part
 241 22 III connections, notwithstanding section 8.57, subsection 5,
 241 23 paragraph "c":
 241 24 FY 2004=2005..... \$ 2,727,000
 241 25 c. For costs associated with the remodeling of the Jessie
 241 26 Parker building:
 241 27 FY 2004=2005..... \$ 303,632
 241 28 d. For allocation to the public broadcasting division for
 241 29 costs of installation of digital and analog television for
 241 30 Iowa public television facilities, notwithstanding section
 241 31 8.57, subsection 5, paragraph "c":
 241 32 FY 2004=2005..... \$ 8,000,000
 241 33 FY 2005=2006..... \$ 8,000,000
 241 34 FY 2006=2007..... \$ 2,300,000
 241 35 8. DEPARTMENT OF HUMAN SERVICES
 242 1 To provide a grant for the planning, design, and
 242 2 construction of a residential treatment facility for youth
 242 3 with emotional and behavioral disorders located in a central
 242 4 Iowa county with a population of approximately 80,000:
 242 5 FY 2004=2005..... \$ 250,000
 242 6 9. IOWA STATE FAIR AUTHORITY
 242 7 For vertical infrastructure projects on the state
 242 8 fairgrounds:
 242 9 FY 2004=2005..... \$ 250,000
 242 10 For purposes of this subsection, "vertical infrastructure"
 242 11 means the same as defined in section 8.57, subsection 5,
 242 12 paragraph "c".
 242 13 10. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE
 242 14 UNIVERSITY OF NORTHERN IOWA
 242 15 For the Iowa safe surfacing initiative, notwithstanding
 242 16 section 8.57, subsection 5, paragraph "c":
 242 17 \$ 500,000
 242 18 Not more than 2.5 percent of the funds appropriated in this
 242 19 subsection shall be used by the national program for
 242 20 playground safety for administrative costs associated with the
 242 21 Iowa safe surfacing initiative.
 242 22 The crumb rubber playground tiles for the initiative shall
 242 23 be international play equipment manufacturers association
 242 24 (IPEMA)=certified to the American society for testing and
 242 25 materials (ASTM) F1292 standard.
 242 26 11. DEPARTMENT OF NATURAL RESOURCES
 242 27 For costs associated with the planning, design, and
 242 28 construction of a premier destination state park,
 242 29 notwithstanding section 8.57, subsection 5, paragraph "c":
 242 30 FY 2004=2005..... \$ 500,000
 242 31 12. DEPARTMENT OF PUBLIC DEFENSE
 242 32 a. For planning, design, and construction of a national
 242 33 guard readiness center in or near Iowa City:
 242 34 FY 2004=2005..... \$ 2,150,000
 242 35 b. For maintenance and repair of national guard armories
 243 1 and facilities:
 243 2 FY 2004=2005..... \$ 1,269,636
 243 3 c. For construction of a new national guard armory at
 243 4 Boone:
 243 5 FY 2004=2005..... \$ 1,096,000
 243 6 13. DEPARTMENT OF PUBLIC SAFETY
 243 7 a. For capitol building and judicial building security,
 243 8 notwithstanding section 8.57, subsection 5, paragraph "c":
 243 9 FY 2004=2005..... \$ 800,000
 243 10 b. For capitol complex security notwithstanding section
 243 11 8.57, subsection 5, paragraph "c":
 243 12 FY 2004=2005..... \$ 300,000
 243 13 c. For costs of entering into a lease=purchase agreement
 243 14 to upgrade the automated fingerprint identification system,
 243 15 notwithstanding section 8.57, subsection 5, paragraph "c":
 243 16 FY 2004=2005..... \$ 550,000
 243 17 d. For costs associated with improvements to Iowa's
 243 18 electronic criminal information records system to comply with
 243 19 national crime information center standards, notwithstanding
 243 20 section 8.57, subsection 5, paragraph "c":
 243 21 FY 2004=2005..... \$ 500,000
 243 22 e. To the division of fire safety of the department for
 243 23 allocation to the fire service training bureau for the
 243 24 planning, design, and construction of regional training
 243 25 facilities in the state:
 243 26 FY 2004=2005..... \$ 150,000
 243 27 f. To the division of fire safety of the department for
 243 28 allocation to the fire service training bureau to be used for
 243 29 the revolving loan program for equipment purchases by local

243 30 fire departments, notwithstanding section 8.57, subsection 5,
 243 31 paragraph "c":
 243 32 FY 2004=2005..... \$ 500,000
 243 33 14. STATE DEPARTMENT OF TRANSPORTATION
 243 34 a. For operation and maintenance of the network of
 243 35 automated weather observation and data transfer systems
 244 1 associated with the Iowa aviation weather system, the runway
 244 2 marking program for public airports, the windsock program for
 244 3 public airports, and the aviation improvement program,
 244 4 notwithstanding section 8.57, subsection 5, paragraph "c":
 244 5 FY 2004=2005..... \$ 500,000
 244 6 b. For vertical infrastructure improvements at the
 244 7 commercial air service airports within the state:
 244 8 FY 2004=2005..... \$ 1,100,000
 244 9 One-half of the funds appropriated in this lettered
 244 10 paragraph shall be allocated equally between each commercial
 244 11 service airport, 40 percent of the funds shall be allocated
 244 12 based on the percentage that the number of enplaned passengers
 244 13 at each commercial service airport bears to the total number
 244 14 of enplaned passengers in the state during the previous fiscal
 244 15 year, and 10 percent of the funds shall be allocated based on
 244 16 the percentage that the air cargo tonnage at each commercial
 244 17 service airport bears to the total air cargo tonnage in the
 244 18 state during the previous fiscal year. In order for a
 244 19 commercial service airport to receive funding under this
 244 20 lettered paragraph, the airport shall be required to submit
 244 21 applications for funding of specific projects to the
 244 22 department for approval by the state transportation
 244 23 commission.
 244 24 c. For a vertical infrastructure improvement grant program
 244 25 for improvements at general aviation airports within the
 244 26 state:
 244 27 FY 2004=2005..... \$ 581,400
 244 28 15. OFFICE OF TREASURER OF STATE
 244 29 For county fair infrastructure improvements for
 244 30 distribution in accordance with chapter 174 to qualified fairs
 244 31 which belong to the association of Iowa fairs:
 244 32 FY 2004=2005..... \$ 1,060,000
 244 33 16. COMMISSION OF VETERANS AFFAIRS
 244 34 For deposit in the veterans trust fund established in
 244 35 section 35A.13, notwithstanding section 8.57, subsection 5,
 245 1 paragraph "c":
 245 2 FY 2004=2005..... \$ 1,000,000
 245 3 Of the amount appropriated in this subsection,
 245 4 notwithstanding contrary provisions of section 35A.13,
 245 5 \$500,000 is appropriated to and shall be used by the
 245 6 commission of veterans affairs for the establishment and
 245 7 operation of a veterans cemetery as required by section 35A.3,
 245 8 subsection 14, if enacted by this Act. Notwithstanding
 245 9 section 8.33, moneys appropriated in this unnumbered paragraph
 245 10 that remain unencumbered or unobligated at the close of the
 245 11 fiscal year shall not revert but shall remain available for
 245 12 expenditure for the purposes designated until the close of the
 245 13 succeeding fiscal year or when the project is completed,
 245 14 whichever is later.
 245 15 Sec. 289. PAYMENTS IN LIEU OF TUITION. There is
 245 16 appropriated from the rebuild Iowa infrastructure fund to the
 245 17 state board of regents for the fiscal year beginning July 1,
 245 18 2004, and ending June 30, 2005, the following amount, or so
 245 19 much thereof as may be necessary, to be used for the purpose
 245 20 designated:
 245 21 For allocation by the state board of regents to the state
 245 22 university of Iowa, the Iowa state university of science and
 245 23 technology, and the university of northern Iowa to reimburse
 245 24 the institutions for deficiencies in their operating funds
 245 25 resulting from the pledging of tuitions, student fees and
 245 26 charges, and institutional income to finance the cost of
 245 27 providing academic and administrative buildings and facilities
 245 28 and utility services at the institutions, notwithstanding
 245 29 section 8.57, subsection 5, paragraph "c":
 245 30 \$ 858,764
 245 31 Sec. 290. REVERSION. Notwithstanding section 8.33, moneys
 245 32 appropriated from the rebuild Iowa infrastructure fund in this
 245 33 division of this Act shall not revert at the close of the
 245 34 fiscal year for which they were appropriated but shall remain
 245 35 available for the purposes designated until the close of the
 246 1 fiscal year that begins July 1, 2007, or until the project for
 246 2 which the appropriation was made is completed, whichever is
 246 3 earlier. This section does not apply to the sections in this
 246 4 division of this Act that were previously enacted and are
 246 5 amended in this division of this Act.

246 6 Sec. 291. 2003 Iowa Acts, chapter 177, section 6,
246 7 subsection 2, is amended to read as follows:
246 8 2. For costs associated with the ~~planning for the vacation~~
246 9 ~~and demolition disposition~~ of the Wallace building:
246 10 \$ 50,000
246 11 The amount appropriated in this subsection shall be used to
246 12 conduct a complete evaluation and analysis regarding the
246 13 condition of the Wallace building, including structural,
246 14 mechanical, and environmental systems and building air
246 15 quality, and to make a recommendation to the general assembly
246 16 no later than January 31, 2005, as to whether the Wallace
246 17 building should be renovated for future use or vacated and
246 18 demolished. The recommendation shall include cost estimates
246 19 for renovation of the building and for its demolition.
246 20 Sec. 292. 2003 Iowa Acts, chapter 177, section 14, is
246 21 amended to read as follows:
246 22 SEC. 14. REVERSION. Notwithstanding section 8.33, moneys
246 23 appropriated in this division of this Act shall not revert at
246 24 the close of the fiscal year for which they were appropriated
246 25 but shall remain available for the purposes designated until
246 26 the close of the fiscal year that begins July 1, ~~2006~~ 2007, or
246 27 until the project for which the appropriation was made is
246 28 completed, whichever is earlier.
246 29 Sec. 293. 2003 Iowa Acts, chapter 179, section 140, is
246 30 amended to read as follows:
246 31 SEC. 140. Notwithstanding section 8.33, unencumbered and
246 32 unobligated funds remaining from the appropriation made in
246 33 1996 Iowa Acts, chapter 1218, section 13, subsection 2,
246 34 paragraph "a", subparagraph (2), as amended by 1997 Iowa Acts,
246 35 chapter 215, section 3, and from the appropriation made in
247 1 1997 Iowa Acts, chapter 215, section 4, subsection 1, shall
247 2 not revert but shall be available for the purposes designated
247 3 in those provisions until the close of the fiscal year
247 4 beginning July 1, ~~2003~~ 2004.
247 5 Of the amount of unencumbered and unobligated funds
247 6 identified in this section, \$180,000 shall be used for the
247 7 purposes described in 2003 Iowa Acts, chapter 177, section 6,
247 8 subsection 2, as amended by this 2004 Act.
247 9 Sec. 294. 2002 Iowa Acts, chapter 1173, section 18, as
247 10 amended by 2003 Iowa Acts, chapter 179, section 39, is amended
247 11 to read as follows:
247 12 SEC. 18. POOLED TECHNOLOGY FUNDING == PRIOR ALLOCATIONS ==
247 13 NONREVERSION. Notwithstanding section 8.33, moneys
247 14 appropriated and allocated in 2001 Iowa Acts, chapter 189,
247 15 section 5, subsection 1, which remain unobligated or
247 16 unexpended at the close of the fiscal year for which they were
247 17 appropriated shall not revert, but shall remain available for
247 18 expenditure for the purposes for which they were appropriated
247 19 and allocated, for the fiscal period beginning July 1, 2002,
247 20 and ending June 30, ~~2004~~ 2005. Notwithstanding the
247 21 expenditure limitation in this section, the information
247 22 technology enterprise within the department of administrative
247 23 services may expend available moneys in the pooled technology
247 24 account established in the office of the treasurer of state to
247 25 complete the comprehensive study required under 2003 Iowa
247 26 Acts, chapter 145, section 290, subsection 2, paragraph "c".
247 27 Sec. 295. 2000 Iowa Acts, chapter 1225, section 2, as
247 28 amended by 2001 Iowa Acts, chapter 185, section 2, is amended
247 29 to read as follows:
247 30 SEC. 2. There is appropriated from the rebuild Iowa
247 31 infrastructure fund to the department of corrections for the
247 32 fiscal year beginning July 1, 2000, and ending June 30, 2001,
247 33 the following amounts, or so much thereof as is necessary, to
247 34 be used for the purposes designated:
247 35 1. To supplement funds appropriated in 1998 Iowa Acts,
248 1 chapter 1219, section 2, subsection 3, for construction of a
248 2 200=bed facility at the Iowa state penitentiary at Fort
248 3 Madison:
248 4 \$ 3,000,000
248 5 2. For community=based corrections projects:
248 6 \$ 900,000
248 7 The first \$300,000 of the amount appropriated in this
248 8 subsection shall be allocated for community=based corrections
248 9 projects in Council Bluffs. The next \$600,000 of the amount
248 10 appropriated in this subsection shall be allocated for
248 11 community=based corrections projects in the judicial district
248 12 in which the city of Davenport is located. These moneys may
248 13 be used by the department to enter into lease-purchasing
248 14 agreements or the payment of rent for such projects.
248 15 Notwithstanding section 8.33 and section 20 of this Act,
248 16 moneys appropriated in subsection 2 that remain unencumbered

248 17 or unobligated at the close of the fiscal year that begins
248 18 July 1, 2003, shall revert at the close of the fiscal year
248 19 that begins July 1, 2006. However, if the projects for which
248 20 the moneys are appropriated are completed in an earlier fiscal
248 21 year, unencumbered or unobligated moneys shall revert at the
248 22 close of that fiscal year.

248 23 Sec. 296. 2000 Iowa Acts, chapter 1225, section 19,
248 24 unnumbered paragraph 2, is amended to read as follows:
248 25 To supplement moneys appropriated in prior fiscal years for
248 26 construction of a new dining hall and food services facility
248 27 and renovation of the former Sheeler food preparation area:
248 28 \$ 992,000

248 29 Sec. 297. 2000 Iowa Acts, chapter 1225, section 20, is
248 30 amended to read as follows:

248 31 SEC. 20. REVERSION. Notwithstanding section 8.33, moneys
248 32 appropriated in this division of this Act that remain
248 33 unencumbered or unobligated at the close of the fiscal year
248 34 that begins July 1, ~~2003~~ 2004, shall revert at the close of
248 35 that fiscal year. However, if the projects for which the
249 1 moneys are appropriated are completed in an earlier fiscal
249 2 year, unencumbered or unobligated moneys shall revert at the
249 3 close of that fiscal year.

249 4 Sec. 298. EXAMINATION OF DEPARTMENT OF ADMINISTRATION ==
249 5 FY 2003=2004. Notwithstanding section 11.5B, for the fiscal
249 6 year beginning July 1, 2003, and ending June 30, 2004, the
249 7 auditor of state shall not be entitled to reimbursement for
249 8 performing any examination of the department of administrative
249 9 services or funds received by the department of administrative
249 10 services, except for an examination of the information
249 11 technology enterprise within the department of administrative
249 12 services and funds received by the information technology
249 13 enterprise.

249 14 Sec. 299. SECURE AN ADVANCED VISION FOR EDUCATION FUND.
249 15 Notwithstanding the maximum amount of the appropriation from
249 16 the rebuild Iowa infrastructure fund to the secure an advanced
249 17 vision for education fund specified in section 8.57,
249 18 subsection 5, paragraph "f", the maximum amount of such
249 19 appropriation for the fiscal year beginning July 1, 2004, and
249 20 ending June 30, 2005, shall not exceed \$8,160,000.

249 21 Sec. 300. The following sections of this division of this
249 22 Act, being deemed of immediate importance, take effect upon
249 23 enactment:

249 24 1. The section amending 2003 Iowa Acts, chapter 177,
249 25 section 6.

249 26 2. The section amending 2003 Iowa Acts, chapter 179,
249 27 section 140.

249 28 3. The section amending 2002 Iowa Acts, chapter 1173,
249 29 section 18, as amended by 2003 Iowa Acts, chapter 179, section
249 30 39.

249 31 4. The section amending 2000 Iowa Acts, chapter 1225,
249 32 section 2, as amended by 2001 Iowa Acts, chapter 185, section
249 33 2.

249 34 5. The section amending 2000 Iowa Acts, chapter 1225,
249 35 section 19.

250 1 6. The section amending 2000 Iowa Acts, chapter 1225,
250 2 section 20.

250 3 7. The section addressing the examination of the
250 4 department of administration in fiscal year 2003=2004.

250 5 DIVISION XII
250 6 ENVIRONMENT FIRST FUND

250 7 Sec. 301. There is appropriated from the environment first
250 8 fund to the following departments and agencies for the fiscal
250 9 year beginning July 1, 2004, and ending June 30, 2005, the
250 10 following amounts, or so much thereof as is necessary, to be
250 11 used for the purposes designated:

250 12 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
250 13 a. For the conservation reserve enhancement program to
250 14 restore and construct wetlands for the purposes of
250 15 intercepting tile line runoff, reducing nutrient loss,
250 16 improving water quality, and enhancing agricultural production
250 17 practices:

250 18 \$ 1,500,000

250 19 Not more than 5 percent of the moneys appropriated in this
250 20 lettered paragraph may be used for costs of administration and
250 21 implementation of soil and water conservation practices.

250 22 b. For continuation of a program that provides
250 23 multiobjective resource protections for flood control, water
250 24 quality, erosion control, and natural resource conservation:

250 25 \$ 2,700,000

250 26 Not more than 5 percent of the moneys appropriated in this
250 27 lettered paragraph may be used for costs of administration and

250 28 implementation of soil and water conservation practices.
 250 29 c. For continuation of a statewide voluntary farm
 250 30 management demonstration program to demonstrate the
 250 31 effectiveness and adaptability of emerging practices in
 250 32 agronomy that protect water resources and provide other
 250 33 environmental benefits:
 250 34 \$ 850,000
 250 35 Not more than 5 percent of the moneys appropriated in this
 251 1 lettered paragraph may be used for costs of administration and
 251 2 implementation of soil and water conservation practices.
 251 3 Of the amount appropriated in this lettered paragraph,
 251 4 \$400,000 shall be allocated to the Iowa soybean association's
 251 5 agriculture and environment performance program.
 251 6 d. For deposit in the alternative drainage system
 251 7 assistance fund created in section 460.303 to be used for
 251 8 purposes of supporting the alternative drainage system
 251 9 assistance program as provided in section 460.304:
 251 10 \$ 500,000
 251 11 Not more than 5 percent of the moneys appropriated in this
 251 12 lettered paragraph may be used for costs of administration and
 251 13 implementation of soil and water conservation practices.
 251 14 e. To provide financial assistance for the establishment
 251 15 of permanent soil and water conservation practices:
 251 16 \$ 5,500,000
 251 17 (1) Not more than 5 percent of the moneys appropriated in
 251 18 this lettered paragraph may be allocated for cost-sharing to
 251 19 abate complaints filed under section 161A.47.
 251 20 (2) Of the moneys appropriated in this lettered paragraph,
 251 21 5 percent shall be allocated for financial incentives to
 251 22 establish practices to protect watersheds above publicly owned
 251 23 lakes of the state from soil erosion and sediment as provided
 251 24 in section 161A.73.
 251 25 (3) Not more than 30 percent of a district's allocation of
 251 26 moneys as financial incentives may be provided for the purpose
 251 27 of establishing management practices to control soil erosion
 251 28 on land that is row-cropped, including but not limited to no-
 251 29 till planting, ridge-till planting, contouring, and contour
 251 30 strip-cropping as provided in section 161A.73.
 251 31 (4) The state soil conservation committee created in
 251 32 section 161A.4 may allocate moneys appropriated in this
 251 33 lettered paragraph to conduct research and demonstration
 251 34 projects to promote conservation tillage and nonpoint source
 251 35 pollution control practices.
 252 1 (5) The financial incentive payments may be used in
 252 2 combination with department of natural resources moneys.
 252 3 (6) Not more than 10 percent of the moneys appropriated in
 252 4 this lettered paragraph may be used for costs of
 252 5 administration and implementation of soil and water
 252 6 conservation practices.
 252 7 f. To encourage and assist farmers in enrolling in and the
 252 8 implementation of federal conservation programs and work with
 252 9 them to enhance their revegetation efforts to improve water
 252 10 quality and habitat:
 252 11 \$ 2,000,000
 252 12 Not more than 5 percent of the moneys appropriated in this
 252 13 lettered paragraph may be used for costs of administration and
 252 14 implementation of soil and water conservation practices.
 252 15 g. For deposit in the loess hills development and
 252 16 conservation fund created in section 161D.2:
 252 17 \$ 600,000
 252 18 Of the amount appropriated in this lettered paragraph,
 252 19 \$400,000 shall be allocated to the hungry canyons account and
 252 20 \$200,000 shall be allocated to the loess hills alliance
 252 21 account, to be used for the purposes for which the moneys in
 252 22 those accounts are authorized to be used under chapter 161D.
 252 23 No more than 5 percent of the moneys allocated to each account
 252 24 in this lettered paragraph may be used for administrative
 252 25 costs.
 252 26 h. For deposit in the southern Iowa development and
 252 27 conservation fund created in section 161D.12:
 252 28 \$ 300,000
 252 29 Not more than 5 percent of the moneys appropriated in this
 252 30 lettered paragraph may be used for administrative costs.
 252 31 2. DEPARTMENT OF ECONOMIC DEVELOPMENT
 252 32 For deposit in the brownfield redevelopment fund created in
 252 33 section 15.293 to provide assistance under the brownfield
 252 34 redevelopment program:
 252 35 \$ 500,000
 253 1 3. DEPARTMENT OF NATURAL RESOURCES
 253 2 a. To provide local watershed managers with geographic
 253 3 information system data for their use in developing,

253 4 monitoring, and displaying results of their watershed work:
 253 5 \$ 195,000
 253 6 b. For statewide coordination of volunteer efforts under
 253 7 the water quality and keepers of the land programs:
 253 8 \$ 100,000
 253 9 c. For continuing the establishment and operation of water
 253 10 quality monitoring stations:
 253 11 \$ 2,955,000
 253 12 d. For deposit in the administration account of the water
 253 13 quality protection fund, to carry out the purposes of that
 253 14 account:
 253 15 \$ 500,000
 253 16 e. For air quality monitoring equipment:
 253 17 \$ 500,000
 253 18 f. For the dredging of lakes, including necessary
 253 19 preparation for dredging, in accordance with the department's
 253 20 classification of Iowa lakes restoration report:
 253 21 \$ 1,000,000
 253 22 The department shall consider the following criteria for
 253 23 funding lake dredging projects as provided in this lettered
 253 24 paragraph, and shall prioritize projects based on the
 253 25 following:
 253 26 (1) Documented efforts to address watershed protection,
 253 27 considering testing, conservation efforts, and amount of time
 253 28 devoted to watershed protection.
 253 29 (2) Protection of a natural resource and natural habitat.
 253 30 (3) Percentage of public access and undeveloped lakefront
 253 31 property.
 253 32 (4) Continuation of current projects partially funded by
 253 33 state resources to achieve department recommendations.
 253 34 g. For purposes of funding capital projects for the
 253 35 purposes specified in section 452A.79, and for expenditures
 254 1 for the local cost share grants to be used for capital
 254 2 expenditures to local governmental units for boating
 254 3 accessibility:
 254 4 \$ 2,300,000
 254 5 h. For regular maintenance of state parks and staff time
 254 6 associated with these activities:
 254 7 \$ 2,000,000
 254 8 RESOURCES ENHANCEMENT AND PROTECTION FUND
 254 9 Sec. 302. Notwithstanding the amount of the standing
 254 10 appropriation from the general fund of the state under section
 254 11 455A.18, subsection 3, there is appropriated from the
 254 12 environment first fund to the Iowa resources enhancement and
 254 13 protection fund, in lieu of the appropriation made in section
 254 14 455A.18, for the fiscal year beginning July 1, 2004, and
 254 15 ending June 30, 2005, the following amount, to be allocated as
 254 16 provided in section 455A.19:
 254 17 \$ 11,000,000
 254 18 Sec. 303. REVERSION.
 254 19 1. Except as provided in subsection 2, and notwithstanding
 254 20 section 8.33, moneys appropriated in this division of this Act
 254 21 that remain unencumbered or unobligated shall not revert at
 254 22 the close of the fiscal year for which they were appropriated
 254 23 but shall remain available for the purposes designated until
 254 24 the close of the fiscal year beginning July 1, 2005, or until
 254 25 the project for which the appropriation was made is completed,
 254 26 whichever is earlier.
 254 27 2. Notwithstanding section 8.33, moneys appropriated in
 254 28 this division of this Act to the department of agriculture and
 254 29 land stewardship to provide financial assistance for the
 254 30 establishment of permanent soil and water conservation
 254 31 practices that remain unencumbered or unobligated at the close
 254 32 of the fiscal year shall not revert but shall remain available
 254 33 for expenditure for the purposes designated until the close of
 254 34 the fiscal year that begins July 1, 2007.
 254 35 DIVISION XIII
 255 1 TOBACCO SETTLEMENT TRUST FUND
 255 2 Sec. 304. There is appropriated from the tax-exempt bond
 255 3 proceeds restricted capital funds account of the tobacco
 255 4 settlement trust fund to the following departments and
 255 5 agencies for the fiscal year beginning July 1, 2004, and
 255 6 ending June 30, 2005, the following amounts, or so much
 255 7 thereof as is necessary, to be used for the purposes
 255 8 designated:
 255 9 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 255 10 a. For the payment of claims relating to the purchase and
 255 11 implementation of an integrated information for Iowa system,
 255 12 notwithstanding section 12E.12, subsection 1, paragraph "b",
 255 13 subparagraph (1):
 255 14 \$ 6,049,284

255 15 b. For capitol interior restoration:
255 16 \$ 3,500,000
255 17 The department shall consult with the leaders of the senate
255 18 and house of representatives prior to planning or implementing
255 19 any capitol interior restoration project or other activity.
255 20 2. TAX=EXEMPT STATUS == USE OF APPROPRIATIONS. Payment of
255 21 moneys from the appropriations in this section shall be made
255 22 in a manner that does not adversely affect the tax=exempt
255 23 status of any outstanding bonds issued by the tobacco
255 24 settlement authority.
255 25 3. REVERSION. Notwithstanding section 8.33, moneys
255 26 appropriated in this section shall not revert at the close of
255 27 the fiscal year for which they were appropriated but shall
255 28 remain available for the purposes designated until the close
255 29 of the fiscal year that begins July 1, 2006, or until the
255 30 project for which the appropriation was made is completed,
255 31 whichever is earlier.
255 32 Sec. 305. PAYMENTS IN LIEU OF TUITION. There is
255 33 appropriated from the tax=exempt bond proceeds restricted
255 34 capital funds account of the tobacco settlement trust fund of
255 35 the state to the state board of regents for the fiscal year
256 1 beginning July 1, 2004, and ending June 30, 2005, the
256 2 following amount, or so much thereof as is necessary, to be
256 3 used for the purpose designated:
256 4 For allocation by the state board of regents to the state
256 5 university of Iowa, the Iowa state university of science and
256 6 technology, and the university of northern Iowa to reimburse
256 7 the institutions for deficiencies in their operating funds
256 8 resulting from the pledging of tuitions, student fees and
256 9 charges, and institutional income to finance the cost of
256 10 providing academic and administrative buildings and facilities
256 11 and utility services at the institutions, notwithstanding
256 12 section 12E.12, subsection 1, paragraph "b", subparagraph (1):
256 13 \$ 10,437,174
256 14 Sec. 306. IOWA COMMUNICATIONS NETWORK DEBT SERVICE. There
256 15 is appropriated from the tax=exempt bond proceeds restricted
256 16 capital funds account of the tobacco settlement trust fund to
256 17 the office of the treasurer of state for the fiscal year
256 18 beginning July 1, 2004, and ending June 30, 2005, the
256 19 following amount, or so much thereof as is necessary, to be
256 20 used for the purpose designated:
256 21 For debt service for the Iowa communications network,
256 22 notwithstanding section 12E.12, subsection 1, paragraph "b",
256 23 subparagraph (1):
256 24 \$ 13,039,778
256 25 Funds appropriated in this section shall be deposited in a
256 26 separate fund established in the office of the treasurer of
256 27 state to be used solely for debt service for the Iowa
256 28 communications network. The Iowa telecommunications and
256 29 technology commission shall certify to the treasurer of state
256 30 when a debt service payment is due, and upon receipt of the
256 31 certification, the treasurer shall make the payment. The
256 32 commission shall pay any additional amount due from funds
256 33 deposited in the Iowa communications network fund.
256 34 Sec. 307. PRISON DEBT SERVICE. There is appropriated from
256 35 the tax=exempt bond proceeds restricted capital funds account
257 1 of the tobacco settlement trust fund to the office of the
257 2 treasurer of state for the fiscal year beginning July 1, 2004,
257 3 and ending June 30, 2005, the following amount, or so much
257 4 thereof as is necessary, to be used for the purpose
257 5 designated:
257 6 For repayment of prison infrastructure bonds under section
257 7 16.177, notwithstanding section 12E.12, subsection 1,
257 8 paragraph "b", subparagraph (1):
257 9 \$ 5,413,324
257 10 Sec. 308. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT == TRANSFER
257 11 TO REBUILD IOWA INFRASTRUCTURE FUND. Notwithstanding 2001
257 12 Iowa Acts, chapter 174, section 1, subsection 1, as amended by
257 13 2002 Iowa Acts, chapter 1167, section 4, 2002 Iowa Acts,
257 14 chapter 1174, section 8, and 2002 Iowa Acts, chapter 1175,
257 15 section 95, there is transferred from the endowment for Iowa's
257 16 health account of the tobacco settlement trust fund created in
257 17 section 12E.12 to the rebuild Iowa infrastructure fund for the
257 18 fiscal year beginning July 1, 2004, and ending June 30, 2005,
257 19 the following amount:
257 20 \$ 10,966,960
257 21 Notwithstanding section 8.33, moneys transferred in this
257 22 section shall not revert.
257 23 Sec. 309. 2003 Iowa Acts, chapter 177, section 23,
257 24 subsection 3, is amended to read as follows:
257 25 3. Notwithstanding section 8.33, moneys appropriated in

257 26 this section shall not revert at the close of the fiscal year
 257 27 for which they were appropriated, but shall remain available
 257 28 for the purpose designated until the close of the fiscal year
 257 29 that begins July 1, ~~2000~~ 2006, or until the project for which
 257 30 the appropriation was made is completed, whichever is earlier.
 257 31 Sec. 310. 2002 Iowa Acts, chapter 1173, section 1,
 257 32 subsection 7, paragraph a, is amended to read as follows:
 257 33 a. For parking improvements and provision of street access
 257 34 for the judicial building:
 257 35 FY 2002=2003 \$ 700,000
 258 1 FY 2003=2004 \$ 0
 258 2 FY 2004=2005 \$ 0
 258 3 FY 2005=2006 \$ 0
 258 4 Of the amount appropriated in this lettered paragraph for
 258 5 FY 2002=2003, up to \$330,000 may be used for costs associated
 258 6 with operation of the judicial building, notwithstanding
 258 7 section 12E.12, subsection 1, paragraph "b", subparagraph (1).
 258 8 DIVISION XIV
 258 9 MISCELLANEOUS FUNDS
 258 10 Sec. 311. HELP AMERICA VOTE ACT. There is appropriated
 258 11 from the general fund of the state to the office of the
 258 12 secretary of state for the fiscal year beginning July 1, 2003,
 258 13 and ending June 30, 2004, the following amount, or so much
 258 14 thereof as is necessary, to be used for the purposes
 258 15 designated:
 258 16 For the purchase and installation of voting machines to
 258 17 implement the federal Help America Vote Act (HAVA):
 258 18 \$ 765,000
 258 19 Of the federal funds drawn down pursuant to HAVA, not less
 258 20 than 80 percent shall be distributed to counties for the
 258 21 implementation of that Act.
 258 22 The state commissioner of elections shall report to the
 258 23 general assembly regarding the expenditure of the moneys
 258 24 appropriated in this section by January 2, 2005, and July 1,
 258 25 2005.
 258 26 Notwithstanding section 8.33, moneys appropriated in this
 258 27 section that remain unencumbered or unobligated at the close
 258 28 of the fiscal year shall not revert but shall remain available
 258 29 for expenditure for the purposes designated until the close of
 258 30 the succeeding fiscal year.
 258 31 Sec. 312. GENERAL FUND APPROPRIATIONS.
 258 32 1. There is appropriated from the general fund of the
 258 33 state to the state department of transportation for the fiscal
 258 34 year beginning July 1, 2004, and ending June 30, 2005, the
 258 35 following amounts, or so much thereof as is necessary, to be
 259 1 used for the purposes designated:
 259 2 a. For operation and maintenance of the network of
 259 3 automated weather observation and data transfer systems
 259 4 associated with the Iowa aviation weather system, the runway
 259 5 marking program for public airports, the windsock program for
 259 6 public airports, and the aviation improvement program:
 259 7 \$ 64,792
 259 8 b. For the rail assistance program and to provide economic
 259 9 development project funding:
 259 10 \$ 35,959
 259 11 2. There is appropriated from the general fund of the
 259 12 state to the racing and gaming commission within the
 259 13 department of inspections and appeals for the fiscal year
 259 14 beginning July 1, 2004, and ending June 30, 2005, in addition
 259 15 to any other appropriation made by the general assembly, the
 259 16 following amount, or so much thereof as is necessary, to be
 259 17 used for the purposes designated:
 259 18 For salaries, support, maintenance, and miscellaneous
 259 19 purposes for the regulation of pari-mutual racetracks:
 259 20 \$ 217,161
 259 21 The funds appropriated in this subsection shall be used for
 259 22 one additional gaming representative at each of the three
 259 23 licensed racetracks.
 259 24 Sec. 313. PRIMARY ROAD FUND APPROPRIATION. There is
 259 25 appropriated from the primary road fund to the department of
 259 26 administrative services for the fiscal year beginning July 1,
 259 27 2004, and ending June 30, 2005, the following amount, or so
 259 28 much thereof as is necessary, to be used for distribution to
 259 29 the state department of transportation:
 259 30 \$ 465,491
 259 31 Moneys appropriated in this section shall be separately
 259 32 accounted for in a distribution account and shall be
 259 33 distributed to the state department of transportation to pay
 259 34 for services provided the state department of transportation
 259 35 by the department of administrative services as described in
 260 1 chapter 8A.

260 2 Sec. 314. ROAD USE TAX FUND APPROPRIATION. There is
260 3 appropriated from the road use tax fund to the department of
260 4 administrative services for the fiscal year beginning July 1,
260 5 2004, and ending June 30, 2005, the following amount, or so
260 6 much thereof as is necessary, to be used for distribution to
260 7 the state department of transportation:

260 8 \$ 76,059

260 9 Moneys appropriated in this section shall be separately
260 10 accounted for in a distribution account and shall be
260 11 distributed to the state department of transportation to pay
260 12 for services provided the state department of transportation
260 13 by the department of administrative services as described in
260 14 chapter 8A.

260 15 Sec. 315. TRANSFER AND DEPOSIT OF SURPLUS MONEYS IN LOCAL
260 16 HOUSING ASSISTANCE PROGRAM FUND. The sum of \$800,000 is
260 17 transferred from moneys declared by the Iowa finance authority
260 18 under section 16.10 to be surplus moneys to the housing trust
260 19 fund created in section 16.181 for the fiscal year beginning
260 20 July 1, 2004, and ending June 30, 2005.

260 21 Sec. 316. 2003 Iowa Acts, chapter 171, section 2, is
260 22 amended by inserting the following new unnumbered paragraph:

260 23 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
260 24 moneys appropriated in subsection 1 that remain unencumbered
260 25 or unobligated at the close of the fiscal year shall not
260 26 revert but shall remain available for expenditure until the
260 27 close of the fiscal year that begins July 1, 2004, for the
260 28 purpose of restocking the department's salt storage.

260 29 Sec. 317. EFFECTIVE DATE.

260 30 1. The section of this division of this Act providing an
260 31 appropriation for implementation of the federal Help America
260 32 Vote Act, being deemed of immediate importance, takes effect
260 33 upon enactment.

260 34 2. The section of this division of this Act, amending 2003
260 35 Iowa Acts, chapter 171, section 2, being deemed of immediate
261 1 importance, takes effect upon enactment.

261 2 DIVISION XV

261 3 CODE CHANGES

261 4 Sec. 318. Section 15.109, subsection 2, Code 2003, is
261 5 amended to read as follows:

261 6 2. Apply for, receive, administer, and use federal or
261 7 other funds available for achieving the purposes of this
261 8 chapter. For purposes of this subsection, the term "federal
261 9 funds" includes federal tax credits, grants, or other economic
261 10 benefits allocated or provided by the United States government
261 11 to encourage investment in low-income or other specified areas
261 12 or to otherwise promote economic development. The department
261 13 may enter into an agreement pursuant to chapter 28E, or any
261 14 other agreement, with a person, including for-profit and
261 15 nonprofit legal entities, in order to directly or indirectly
261 16 apply for, receive, administer, and use federal funds. As
261 17 part of such agreements and in furtherance of this public
261 18 purpose and in addition to powers and duties conferred under
261 19 other provisions of law, the department may, including for or
261 20 on behalf of for-profit or nonprofit legal entities, appoint,
261 21 remove, and replace board members and advisors; provide
261 22 oversight; make its personnel and resources available to
261 23 perform administrative, management, and compliance functions;
261 24 coordinate investments; and engage in other acts as reasonable
261 25 and necessary to encourage investment in low-income or other
261 26 areas or to promote economic development. The department,
261 27 including department officials and employees in their official
261 28 and personal capacities, are immune from liability for all
261 29 acts or omissions under this subsection.

261 30 Sec. 319. Section 80.9, subsection 2, paragraph f, Code
261 31 2003, is amended to read as follows:

261 32 f. Provide protection and security for persons and
261 33 property on the grounds of the state capitol complex.
261 34 Notwithstanding chapter 8A or any other provision of law, the
261 35 department shall be solely responsible for the purchase,
262 1 installation, and maintenance of, including making any
262 2 improvements or additions to, executive branch capitol complex
262 3 security systems or equipment, including the changing of locks
262 4 and issuance of keys, access cards, and identification badges.
262 5 The department of administrative services shall cooperate with
262 6 the department of public safety in executing the department's
262 7 duties under this paragraph.

262 8 Sec. 320. Section 423.3, subsections 2 and 37, as enacted
262 9 by 2003 Iowa Acts, First Extraordinary Session, chapter 2,
262 10 section 96, are amended to read as follows:

262 11 2. The sales price of sales for resale of tangible
262 12 personal property or taxable services, or for resale of

262 13 tangible personal property in connection with the furnishing
262 14 of taxable services except for sales, other than leases or
262 15 rentals, which are sales, of machinery, equipment,
262 16 attachments, and replacement parts specifically enumerated in
262 17 subsection 37 and used in the manner described in subsection
262 18 37.
262 19 37. The sales price of services on or connected with new
262 20 construction, reconstruction, alteration, expansion,
262 21 remodeling, or the services of a general building contractor,
262 22 architect, or engineer. The exemption in this subsection also
262 23 applies to the sales price on the lease or rental of self=
262 24 propelled building equipment, self=constructed cranes, pile
262 25 drivers, structural concrete forms, regular and motorized
262 26 scaffolding, generators, or attachments customarily drawn or
262 27 attached to self=propelled building equipment, self=
262 28 constructed cranes, pile drivers, structural concrete forms,
262 29 regular and motorized scaffolding, and generators, including
262 30 auxiliary attachments which improve the performance, safety,
262 31 operation, or efficiency of the equipment and replacement
262 32 parts and are directly and primarily used by contractors,
262 33 subcontractors, and builders for new construction,
262 34 reconstruction, alterations, expansion, or remodeling of real
262 35 property or structures.

263 1 DIVISION XVI
263 2 MISCELLANEOUS PROVISIONS
263 3 Sec. 321. Section 8.57, subsection 5, Code Supplement
263 4 2003, is amended by adding the following new paragraph:
263 5 NEW PARAGRAPH. g. Notwithstanding any other provision to
263 6 the contrary, and prior to the appropriation of moneys from
263 7 the rebuild Iowa infrastructure fund pursuant to paragraph
263 8 "c", and section 8.57A, subsection 4, moneys shall first be
263 9 appropriated from the rebuild Iowa infrastructure fund to the
263 10 vertical infrastructure fund as provided in section 8.57B,
263 11 subsection 4.
263 12 Sec. 322. NEW SECTION. 8.57B VERTICAL INFRASTRUCTURE
263 13 FUND.
263 14 1. A vertical infrastructure fund is created under the
263 15 authority of the department of management. The fund shall
263 16 consist of appropriations made to the fund and transfers of
263 17 interest, earnings, and moneys from other funds as provided by
263 18 law. The fund shall be separate from the general fund of the
263 19 state and the balance in the fund shall not be considered part
263 20 of the balance of the general fund of the state. However, the
263 21 fund shall be considered a special account for the purposes of
263 22 section 8.53, relating to generally accepted accounting
263 23 principles.
263 24 2. Notwithstanding section 12C.7, subsection 2, interest
263 25 or earnings on moneys in the vertical infrastructure fund
263 26 shall be credited to the rebuild Iowa infrastructure fund.
263 27 3. Moneys in the fund in a fiscal year shall be used as
263 28 appropriated by the general assembly for public vertical
263 29 infrastructure projects. For the purposes of this section,
263 30 "vertical infrastructure" includes only land acquisition and
263 31 construction, major renovation, and major repair of buildings,
263 32 all appurtenant structures, utilities, and site development.
263 33 "Vertical infrastructure" does not include routine, recurring
263 34 maintenance, debt service, or operational expenses or leasing
263 35 of a building, appurtenant structure, or utility without a
264 1 lease=purchase agreement.
264 2 4. There is appropriated from the rebuild Iowa
264 3 infrastructure fund to the vertical infrastructure fund, the
264 4 following:
264 5 a. For the fiscal year beginning July 1, 2005, and ending
264 6 June 30, 2006, the sum of fifteen million dollars.
264 7 b. For the fiscal year beginning July 1, 2006, and ending
264 8 June 30, 2007, the sum of fifty million dollars.
264 9 c. For the fiscal year beginning July 1, 2007, and ending
264 10 June 30, 2008, the sum of seventy=five million dollars.
264 11 d. For the fiscal year beginning July 1, 2008, and each
264 12 fiscal year thereafter, the sum of one hundred million
264 13 dollars.
264 14 Sec. 323. Section 8D.13, subsection 12, Code Supplement
264 15 2003, is amended to read as follows:
264 16 12. The commission, on its own or as recommended by an
264 17 advisory committee of the commission and approved by the
264 18 commission, shall permit a fee to be charged by a receiving
264 19 site to the originator of the communication provided on the
264 20 network. The fee charged shall be for the purpose of
264 21 recovering the operating costs of a receiving site. The fee
264 22 charged shall be reduced by an amount received by the
264 23 receiving site pursuant to a state appropriation for such

264 24 costs, or federal assistance received for such costs. Fees
264 25 established under this subsection shall be paid by the
264 26 originator of the communication directly to the receiving
264 27 site. In the event that an entity requests a receiving site
264 28 location in a video classroom facility which is authorized by,
264 29 but not funded by, the originator of the communication, the
264 30 requesting entity shall be directly billed by the video
264 31 classroom facility for operating costs relating to the
264 32 communication. For purposes of this section, "operating
264 33 costs" include the costs associated with the management or
264 34 coordination, operations, utilities, classroom, equipment,
264 35 maintenance, and other costs directly related to providing the
265 1 receiving site.

265 2 Sec. 324. Section 15E.208, subsection 3, paragraph b,
265 3 subparagraph (2), Code Supplement 2003, is amended by adding
265 4 the following new subparagraph subdivisions:
265 5 NEW SUBPARAGRAPH SUBDIVISION. (c) Notwithstanding any
265 6 provision of this division to the contrary, payments on the
265 7 principal balance of the loan granted by the corporation to an
265 8 eligible person and assigned to the department pursuant to
265 9 this subparagraph during calendar year 2003 shall be deferred
265 10 until October 1, 2007. The eligible person shall make
265 11 principal payments to the department in the amount of one
265 12 million dollars for each year on October 1, 2007, October 1,
265 13 2008, and October 1, 2009. The eligible person shall pay the
265 14 department four hundred eighty-two thousand seven hundred
265 15 sixty-one dollars in interest, which shall be deemed to be the
265 16 total amount of interest accruing on the principal amount of
265 17 the loan. The eligible person shall pay the interest amount
265 18 on October 1, 2010. Upon the payment of the principal balance
265 19 of the loan and the accrued interest, the debt shall be
265 20 retired.

265 21 NEW SUBPARAGRAPH SUBDIVISION. (d) Notwithstanding any
265 22 provision of this division to the contrary, the corporation
265 23 shall repay the department the principal balance of the Iowa
265 24 agricultural industry finance loan beginning on October 1,
265 25 2007. The principal balance of the loan equals twenty-one
265 26 million five hundred seventeen thousand two hundred thirty=
265 27 nine dollars. The corporation shall repay the department five
265 28 hundred seventeen thousand two hundred thirty-nine dollars by
265 29 October 1, 2007, and for each subsequent year the corporation
265 30 shall repay the department at least one million dollars by
265 31 October 1 until the total principal balance of the loan is
265 32 repaid. This subparagraph subdivision shall not be construed
265 33 to limit the department's authority to negotiate the payment
265 34 of interest accruing on the principal balance which shall be
265 35 paid to the department as provided by an agreement executed by
266 1 the department and the corporation.

266 2 Sec. 325. Section 28M.1, if enacted by 2004 Iowa Acts,
266 3 Senate File 2284, section 1, is amended by adding the
266 4 following new subsection:

266 5 NEW SUBSECTION. 3. "Transportation" means the movement of
266 6 individuals in a four or more wheeled motorized vehicle
266 7 designed to carry passengers, including a car, van, or bus, or
266 8 the carrying of individuals upon cars operated upon stationary
266 9 rails, between one geographic point and another geographic
266 10 point. "Transportation" does not include emergency or
266 11 incidental transportation or transportation conducted by the
266 12 department of human services at its institutions.

266 13 Sec. 326. Section 28M.2, subsections 1 and 3, if enacted
266 14 by 2004 Iowa Acts, Senate File 2284, section 2, are amended to
266 15 read as follows:

266 16 1. A county with a population in excess of ~~three one~~
266 17 hundred ~~seventy-five~~ thousand and participating cities may
266 18 create, by chapter 28E agreement, a regional transit district
266 19 in the county pursuant to this chapter. Two or more
266 20 contiguous counties and participating cities may create, by
266 21 chapter 28E agreement, a regional transit district pursuant to
266 22 this chapter if one of the counties has a population in excess
266 23 of ~~three one~~ hundred ~~seventy-five~~ thousand. A district shall
266 24 consist of the unincorporated area of any participating county
266 25 and the incorporated area of any city in the county that does
266 26 not have an urban transit system. However, a city without an
266 27 urban transit system may decline, by resolution forwarded to
266 28 the board of supervisors, to participate in a regional transit
266 29 district.

266 30 3. A city that is located in a nonparticipating county
266 31 that is contiguous to a county with a population in excess of
266 32 ~~three one~~ hundred ~~seventy-five~~ thousand that is creating a
266 33 regional transit district may notify that county, by
266 34 resolution forwarded to the board of supervisors of that

266 35 county, that the city wishes to participate.

267 1 Sec. 327. Section 28M.5, subsection 1, unnumbered
267 2 paragraph 2, if enacted by 2004 Iowa Acts, Senate File 2284,
267 3 section 5, is amended to read as follows:

267 4 The amount of the regional transit district levy that is
267 5 the responsibility of a participating county shall be deducted
267 6 from the maximum rates of taxes authorized to be levied by the
267 7 county pursuant to section 331.423, subsections 1 and 2, as
267 8 applicable. However, for a regional transit district that
267 9 includes a county with a population of less than three hundred
267 10 thousand, the amount of the regional transit district levy
267 11 that is the responsibility of a participating county shall be
267 12 deducted from the maximum rate of taxes authorized to be
267 13 levied by the county pursuant to section 331.423, subsection
267 14 1.

267 15 Sec. 328. Section 99F.7, subsection 13, Code 2003, as
267 16 amended by 2004 Iowa Acts, House File 2302, if enacted, is
267 17 amended to read as follows:

267 18 13. ~~An~~ When applicable, an excursion gambling boat
267 19 operated on inland waters of this state or an excursion boat
267 20 that has been removed from navigation and is designated as a
267 21 permanently moored vessel by the United States coast guard
267 22 shall be subject to the exclusive jurisdiction of the
267 23 department of natural resources and meet all of the
267 24 requirements of chapter 462A and is further subject to an
267 25 inspection of its sanitary facilities to protect the
267 26 environment and water quality before a certificate of
267 27 registration is issued by the department of natural resources
267 28 or a license is issued or renewed under this chapter.

267 29 Sec. 329. Section 165B.5, subsection 3, if enacted by 2004
267 30 Iowa Acts, House File 2476, section 6, is amended to read as
267 31 follows:

267 32 3. a. A person who owns or operates a restricted
267 33 concentration point is subject to a civil penalty of ~~not less~~
267 34 ~~than five thousand dollars for the first violation and not~~
267 35 ~~less than twenty-five thousand dollars for each subsequent~~
268 1 violation. Each day that a violation continues constitutes a
268 2 separate violation.

268 3 b. A person who has a legal interest in infected poultry
268 4 or has custody of infected poultry which are located at a
268 5 restricted concentration point is subject to a civil penalty
268 6 of ~~not less than~~ five thousand dollars for the first violation
268 7 and ~~not less than~~ twenty-five thousand dollars for each
268 8 subsequent violation. Each day that a violation continues
268 9 constitutes a separate violation.

268 10 c. A person who transports poultry to or from a restricted
268 11 concentration point is subject to a civil penalty of ~~not less~~
268 12 ~~than one thousand dollars for the first violation and not less~~
268 13 ~~than five thousand dollars for each subsequent violation.~~
268 14 Each day that a violation continues constitutes a separate
268 15 violation.

268 16 d. A person who purchases, offers to purchase, barter, or
268 17 offers to barter for poultry at a restricted concentration
268 18 point is subject to a civil penalty of ~~not less than~~ one
268 19 hundred dollars for the first violation and ~~not less than~~ one
268 20 thousand dollars for each subsequent violation. Each day that
268 21 a violation continues constitutes a separate violation.

268 22 e. A person who charges admission for entry into a
268 23 restricted concentration point where a contest occurs or
268 24 otherwise holds, advertises, or conducts the contest is
268 25 subject to a civil penalty of ~~not less than~~ one thousand
268 26 dollars for the first violation and ~~not less than~~ five
268 27 thousand dollars for each subsequent violation. Each day that
268 28 a violation continues constitutes a separate violation.

268 29 f. A person who attends or participates in a contest at a
268 30 restricted concentration point where a contest occurs is
268 31 subject to a civil penalty of ~~not less than~~ one hundred
268 32 dollars for the first violation and ~~not less than~~ one thousand
268 33 dollars for each subsequent violation. Each day that a
268 34 violation continues constitutes a separate violation.

268 35 Sec. 330. Section 260C.18A, subsection 3, Code Supplement
269 1 2003, is amended to read as follows:

269 2 3. Of the moneys appropriated in this section, for the
269 3 fiscal period beginning July 1, 2003, and ending June 30, ~~2006~~
269 4 2007, the following amounts shall be designated for the
269 5 purposes of funding job retention projects under section
269 6 260F.9:

269 7 a. One million dollars for the fiscal year beginning July
269 8 1, 2003.

269 9 b. One million dollars for the fiscal year beginning July
269 10 1, 2004.

269 11 c. One million dollars for the fiscal year beginning July
269 12 1, 2005.

269 13 d. One million dollars for the fiscal year beginning July
269 14 1, 2006. However, this paragraph only applies if moneys
269 15 allocated under paragraph "a" were distributed to community
269 16 colleges as provided under subsection 8.

269 17 Sec. 331. Section 260C.18A, Code Supplement 2003, is
269 18 amended by adding the following new subsection:
269 19 NEW SUBSECTION. 8. If moneys allocated under subsection
269 20 3, paragraph "a", are unobligated and unencumbered on June 30,
269 21 2004, those moneys shall be distributed to community colleges
269 22 in accordance with subsection 5 for the fiscal year beginning
269 23 July 1, 2004, and ending June 30, 2005.

269 24 Sec. 332. Section 306.46, as enacted by 2004 Iowa Acts,
269 25 Senate File 2118, section 1, is amended by adding the
269 26 following new subsection:

269 27 NEW SUBSECTION. 3. This section shall not impair or
269 28 interfere with a city's authority to grant, amend, extend, or
269 29 renew a franchise as provided in section 364.2, and shall not
269 30 impair or interfere with a city's existing general police
269 31 powers to control the use of its right-of-way.

269 32 Sec. 333. Section 321.34, subsection 11, paragraphs c and
269 33 d, Code Supplement 2003, are amended to read as follows:

269 34 c. The special natural resources fee for letter number
269 35 designated natural resources plates is ~~thirty-five~~ forty-five
270 1 dollars. The fee for personalized natural resources plates is
270 2 forty-five dollars which shall be paid in addition to the
270 3 special natural resources fee of ~~thirty-five~~ forty-five
270 4 dollars. The fees collected by the director under this
270 5 subsection shall be paid monthly to the treasurer of state and
270 6 credited to the road use tax fund. Notwithstanding section
270 7 423.24, and prior to the crediting of revenues to the road use
270 8 tax fund under section 423.24, subsection 1, paragraph "b",
270 9 the treasurer of state shall credit monthly from those
270 10 revenues to the Iowa resources enhancement and protection fund
270 11 created pursuant to section 455A.18, the amount of the special
270 12 natural resources fees collected in the previous month for the
270 13 natural resources plates.

270 14 From the moneys credited to the Iowa resources enhancement
270 15 and protection fund under this paragraph "c", ten dollars of
270 16 the fee collected for each natural resources plate issued, and
270 17 fifteen dollars from each renewal fee, shall be allocated to
270 18 the department of natural resources wildlife bureau to be used
270 19 for nongame wildlife programs.

270 20 d. Upon receipt of the special registration plates, the
270 21 applicant shall surrender the current registration receipt and
270 22 plates to the county treasurer. The county treasurer shall
270 23 validate the special registration plates in the same manner as
270 24 regular registration plates are validated under this section.
270 25 The annual special natural resources fee for letter number
270 26 designated plates is ~~ten~~ twenty-five dollars which shall be
270 27 paid in addition to the regular annual registration fee. The
270 28 annual fee for personalized natural resources plates is five
270 29 dollars which shall be paid in addition to the annual special
270 30 natural resources fee and the regular annual registration fee.
270 31 The annual special natural resources fee shall be credited as
270 32 provided under paragraph "c".

270 33 Sec. 334. NEW SECTION. 327F.38 FIRST AID AND MEDICAL
270 34 TREATMENT FOR EMPLOYEES.

270 35 The department shall adopt rules requiring railroad
271 1 corporations within the state to provide reasonable and
271 2 adequate access to first aid and medical treatment for
271 3 employees injured in the course of employment. A railroad
271 4 corporation found guilty of a rule adopted pursuant to this
271 5 section shall, upon conviction, be subject to a schedule "one"
271 6 penalty.

271 7 Sec. 335. Section 331.362, subsection 5, Code Supplement
271 8 2003, is amended to read as follows:

271 9 5. The Notwithstanding any provision of law to the
271 10 contrary, the board may enter into agreements with the
271 11 department of transportation as provided in section 313.2,
271 12 including but not limited to agreements for the disposition of
271 13 county property in accordance with section 331.361, subsection
271 14 2.

271 15 Sec. 336. Section 422.11J, subsection 5, paragraph a, if
271 16 enacted by 2004 Iowa Acts, Senate File 2295, is amended to
271 17 read as follows:

271 18 a. "Disabled student" means a child requiring special
271 19 education, as defined in section 256B.2, subsection 1, or a
271 20 student with disabilities who qualifies for educational
271 21 services under section 504 of the federal Rehabilitation Act

271 22 of 1973, as amended and codified in 29 U.S.C. } 794.
271 23 Sec. 337. Section 432.1, subsection 6, paragraph b,
271 24 unnumbered paragraph 1, Code Supplement 2003, is amended to
271 25 read as follows:
271 26 In addition to the prepayment amount in paragraph "a", each
271 27 life insurance company or association which is subject to tax
271 28 under subsection 1 of this section and each mutual health
271 29 service corporation which is subject to tax under section
271 30 432.2 shall remit on or before ~~June 30~~ August 15, on a
271 31 prepayment basis, an additional amount equal to the following
271 32 percent of the premium tax liability for the preceding
271 33 calendar year as follows:
271 34 Sec. 338. Section 432.1, subsection 6, paragraph c,
271 35 unnumbered paragraph 1, Code Supplement 2003, is amended to
272 1 read as follows:
272 2 In addition to the prepayment amount in paragraph "a", each
272 3 insurance company or association, other than a life insurance
272 4 company or association, which is subject to tax under
272 5 subsection 3 shall remit on or before ~~June 30~~ August 15, on a
272 6 prepayment basis, an additional amount equal to the following
272 7 percent of the premium tax liability for the preceding
272 8 calendar year as follows:
272 9 Sec. 339. Section 518.18, subsection 3, paragraph b,
272 10 unnumbered paragraph 1, Code Supplement 2003, is amended to
272 11 read as follows:
272 12 In addition to the prepayment amount in paragraph "a", each
272 13 association shall remit on or before ~~June 30~~ August 15, on a
272 14 prepayment basis, an additional amount equal to the following
272 15 percent of the premium tax liability for the preceding
272 16 calendar year as follows:
272 17 Sec. 340. Section 518A.35, subsection 3, paragraph b,
272 18 unnumbered paragraph 1, Code Supplement 2003, is amended to
272 19 read as follows:
272 20 In addition to the prepayment amount in paragraph "a", each
272 21 association shall remit on or before ~~June 30~~ August 15, on a
272 22 prepayment basis, an additional amount equal to the following
272 23 percent of the premium tax liability for the preceding
272 24 calendar year as follows:
272 25 Sec. 341. 2004 Iowa Acts, Senate File 2257, section 1,
272 26 subsection 10, if enacted, is amended to read as follows:
272 27 10. APPLICABILITY DATE. This section applies to personal
272 28 insurance contracts or policies delivered, issued for
272 29 delivery, continued, or renewed in this state on or after
272 30 ~~April 1, 2005~~ October 1, 2004.
272 31 Sec. 342. 2003 Iowa Acts, chapter 145, section 290,
272 32 subsection 2, paragraph c, is amended to read as follows:
272 33 c. By ~~September~~ December 1, 2004, the department of
272 34 administrative services, with the assistance of the department
272 35 of management, shall conduct a comprehensive study of the
273 1 impact of transferring all state agency employees delivering
273 2 information technology services to the department of
273 3 administrative services and of the impact of physically
273 4 merging the data centers of the department, the state
273 5 department of transportation, and the department of workforce
273 6 development, into one data center. The study shall include an
273 7 assessment of advantages and disadvantages, economies of
273 8 scale, cost, and space availability, and shall solicit input
273 9 from outside vendors, both public and private. The department
273 10 shall report to the legislative ~~fiscal bureau services agency~~
273 11 and the committees on government oversight of the senate and
273 12 house of representatives on the department's findings and
273 13 recommendations by ~~November 1, December 15,~~ December 15, 2004.
273 14 Sec. 343. 2004 Iowa Acts, House File 2562, section 11,
273 15 subsection 1, if enacted, is amended to read as follows:
273 16 1. This Act, except for the provision of this Act enacting
273 17 section 99B.10, subsection 5B, being deemed of immediate
273 18 importance, takes effect upon enactment.
273 19 Sec. 344. MENTAL HEALTH INSTITUTE AT CHEROKEE. If
273 20 building space located at the state mental health institute at
273 21 Cherokee being used by an organization other than the state
273 22 will be vacated by the organization, the department of human
273 23 services shall reserve the space to be available for the
273 24 purposes described in this section. The department shall
273 25 develop a plan for using vacant building space at the
273 26 institute for a program to address the treatment needs of
273 27 persons with a developmental disability who exhibit sexually
273 28 violent behavior and are residents at state resource centers
273 29 or other residential settings.
273 30 Sec. 345. EFFECTIVE DATE. The sections of this division
273 31 of this Act amending section 260C.18A, Code Supplement 2003,
273 32 being deemed of immediate importance, take effect upon

273 33 enactment.
273 34 Sec. 346. EFFECTIVE DATE. The section of this division of
273 35 this Act amending section 306.46, being deemed of immediate
274 1 importance, takes effect upon enactment.
274 2 Sec. 347. REAP PLATES == EFFECTIVE DATE. The section of
274 3 this division of this Act amending section 321.34, subsection
274 4 11, paragraphs "c" and "d", takes effect January 1, 2005.
274 5 Sec. 348. EFFECTIVE DATE. The sections of this division
274 6 of this Act amending sections 432.1, 518.18, and 518A.35,
274 7 being deemed of immediate importance, take effect upon
274 8 enactment.

274 9 DIVISION XVII
274 10 CORRECTIVE PROVISIONS

274 11 Sec. 349. Section 9E.6A, unnumbered paragraph 1, Code
274 12 2003, as amended by 2004 Iowa Acts, House File 2516, section
274 13 1, if enacted, is amended to read as follows:

274 14 Each person performing a notarial act pursuant to section
274 15 9E.10 must acquire and use a stamp or seal as provided in this
274 16 chapter. However, this section shall not apply to a notarial
274 17 act performed by a judicial officer as defined in section
274 18 602.1101, if the notarial act is performed in accordance with
274 19 state or federal statutory authority, ~~or is and shall not~~
274 20 ~~apply to a certification by a chief officer or a chief~~
274 21 ~~officer's designee of a peace officer's verification of a~~
274 22 ~~uniform citation and complaint pursuant to section 805.6,~~
274 23 ~~subsection 5.~~

274 24 Sec. 350. Section 9H.1, subsection 17, Code Supplement
274 25 2003, is amended to read as follows:

274 26 17. "Limited partnership" means a limited partnership as
274 27 defined in section 487.101, ~~subsection 7, and or 488.102, or a~~
274 28 ~~limited liability limited partnership under section 487.1301~~
274 29 ~~or chapter 488, which owns or leases agricultural land or is~~
274 30 ~~engaged in farming.~~

274 31 Sec. 351. Section 9H.1, subsection 17, Code Supplement
274 32 2003, as amended by this division of this Act to take effect
274 33 January 1, 2005, is amended to read as follows:

274 34 17. "Limited partnership" means a limited partnership as
274 35 defined in section ~~487.101 or 488.102, or a limited liability~~
275 1 ~~limited partnership under section 487.1301 or chapter 488,~~
275 2 ~~which owns or leases agricultural land or is engaged in~~
275 3 ~~farming.~~

275 4 Sec. 352. Section 10B.1, subsection 8, Code Supplement
275 5 2003, is amended to read as follows:

275 6 8. "Limited partnership" means a foreign or domestic
275 7 limited partnership, including a limited partnership as
275 8 defined in section 487.101, ~~subsection 7 or 488.102, and a~~
275 9 ~~domestic or foreign limited liability limited partnership~~
275 10 ~~under section 487.1301 or 487.1303, or chapter 488.~~

275 11 Sec. 353. Section 10B.1, subsection 8, Code Supplement
275 12 2003, as amended by this division of this Act to take effect
275 13 January 1, 2005, is amended to read as follows:

275 14 8. "Limited partnership" means a foreign or domestic
275 15 limited partnership, including a limited partnership as
275 16 defined in section ~~487.101 or 488.102, and a domestic or~~
275 17 ~~foreign limited liability limited partnership under section~~
275 18 ~~487.1301 or 487.1303, or chapter 488.~~

275 19 Sec. 354. Section 34A.7A, subsection 2, paragraph f, if
275 20 enacted by 2004 Iowa Acts, House File 2434, is amended by
275 21 striking the paragraph and inserting in lieu thereof the
275 22 following:

275 23 f. (1) The program manager shall allocate an amount up to
275 24 one hundred twenty-seven thousand dollars per calendar quarter
275 25 equally to the joint E911 service boards and the department of
275 26 public safety that have submitted an annual written request to
275 27 the program manager in a form approved by the program manager
275 28 by May 15 of each year.

275 29 (2) Upon retirement of outstanding obligations referred to
275 30 in paragraph "e", the amount allocated under this paragraph
275 31 "f" shall be an amount up to four hundred thousand dollars per
275 32 calendar quarter allocated as follows:

275 33 (a) Sixty-five percent of the total dollars available for
275 34 allocation shall be allocated in proportion to the square
275 35 miles of the service area to the total square miles in this
276 1 state.

276 2 (b) Thirty-five percent of the total dollars available for
276 3 allocation shall be allocated in proportion to the wireless
276 4 E911 calls taken at the public safety answering point in the
276 5 service area to the total number of wireless E911 calls
276 6 originating in this state.

276 7 (c) Notwithstanding subparagraph subdivisions (a) and (b),
276 8 the minimum amount allocated to each joint E911 service board

276 9 and to the department of public safety shall be no less than
276 10 one thousand dollars for each public safety answering point
276 11 within the service area of the department of public safety or
276 12 joint E911 service board.

276 13 (3) The funds allocated in this paragraph "f" shall be
276 14 used for communication equipment located inside the public
276 15 safety answering points for the implementation and maintenance
276 16 of wireless E911 phase 2. The joint E911 service boards and
276 17 the department of public safety shall provide an estimate of
276 18 phase 2 implementation costs to the program manager by January
276 19 1, 2005.

276 20 Sec. 355. Section 48A.11, subsection 1, paragraph e, Code
276 21 2003, as amended by 2004 Iowa Acts, Senate File 2269, section
276 22 8, if enacted, is amended to read as follows:

276 23 e. Iowa driver's license number if the registrant has a
276 24 current and valid Iowa driver's license, Iowa nonoperator's
276 25 identification card if the registrant has a current and valid
276 26 Iowa nonoperator's identification card, or the last four
276 27 numerals of the registrant's social security number. If the
276 28 registrant does not have an Iowa driver's license number, an
276 29 Iowa nonoperator's identification card number, or a social
276 30 security number, the form shall provide space for a number to
276 31 be assigned as provided in subsection 7.

276 32 Sec. 356. Section 48A.25A, unnumbered paragraph 1, if
276 33 enacted by 2004 Iowa Acts, Senate File 2269, section 13, is
276 34 amended to read as follows:

276 35 Upon receipt of an application for voter registration by
277 1 mail, the state registrar of voters shall compare the driver's
277 2 license number, the Iowa nonoperator's identification card
277 3 number, or the last four numerals of the social security
277 4 number provided by the registrant with the records of the
277 5 state department of transportation. To be verified, the voter
277 6 registration record shall contain the same name, date of
277 7 birth, and driver's license number or Iowa nonoperator's
277 8 identification card number or whole or partial social security
277 9 number as the records of the department of transportation. If
277 10 the information cannot be verified, the application shall be
277 11 rejected and the registrant shall be notified of the reason
277 12 for the rejection. If the information can be verified, a
277 13 record shall be made of the verification and the application
277 14 shall be accepted.

277 15 Sec. 357. Section 48A.37, subsection 2, Code 2003, as
277 16 amended by 2004 Iowa Acts, Senate File 2269, section 18, if
277 17 enacted, is amended to read as follows:

277 18 2. Electronic records shall include a status code
277 19 designating whether the records are active, inactive, local,
277 20 or pending. Inactive records are records of registered voters
277 21 to whom notices have been sent pursuant to section 48A.28,
277 22 subsection 3, and who have not returned the card or otherwise
277 23 responded to the notice, and those records have been
277 24 designated inactive pursuant to section 48A.29. Local records
277 25 are records of applicants who did not answer either "yes" or
277 26 "no" to the question in section 48A.11, subsection 2A,
277 27 paragraph "a". Pending records are records of applicants
277 28 whose applications have not been verified pursuant to section
277 29 48A.25A. All other records are active records. An inactive
277 30 record shall be made active when the registered voter votes at
277 31 an election, registers again, or reports a change of name,
277 32 address, telephone number, or political party affiliation. A
277 33 pending record shall be made active upon verification. A
277 34 local record shall be valid for any election for which no
277 35 candidates for federal office appear on the ballot, ~~but the~~
278 1 A registrant may with only a local record shall not vote in a
278 2 federal election unless the registrant submits a new voter
278 3 registration application before election day indicating that
278 4 the applicant is a citizen of the United States.

278 5 Sec. 358. Section 49.81, subsection 2, unnumbered
278 6 paragraph 3, if enacted by 2004 Iowa Acts, Senate File 2269,
278 7 section 20, is amended to read as follows:

278 8 You must show identification before your ballot can be
278 9 counted. Please bring or mail a copy of a current and valid
278 10 photo identification card to the county ~~commissioners~~
278 11 commissioner's office or bring or mail a copy of one of the
278 12 following current documents that show your name and address:

278 13 Sec. 359. Section 52.7, unnumbered paragraph 4, Code 2003,
278 14 as amended by 2004 Iowa Acts, Senate File 2269, section 27, if
278 15 enacted, is amended to read as follows:

278 16 Such machine shall be so constructed as to accurately
278 17 account for every vote cast upon it. The machine shall be so
278 18 constructed as to remove information from the ballot
278 19 identifying the voter before the ballot is recorded and

278 20 counted. If the machine is a direct ~~electronic~~ recording
278 21 electronic device, the machine shall be so constructed as to
278 22 store each ballot cast separate from the ballot tabulation
278 23 function, which ballot may be reproduced on paper in the case
278 24 of a recount, manual audit, or machine malfunction.
278 25 Sec. 360. Section 53.3, subsection 7, if enacted by 2004
278 26 Iowa Acts, Senate File 2269, section 30, is amended to read as
278 27 follows:
278 28 7. A statement that an absentee ballot will ~~by~~ be mailed
278 29 to the applicant within twenty-four hours after the ballot for
278 30 the election is available.
278 31 Sec. 361. Section 53.17, subsection 1, paragraph a, if
278 32 enacted by 2004 Iowa Acts, Senate File 2269, section 33, is
278 33 amended to read as follows:
278 34 a. The sealed carrier envelope may be delivered by the
278 35 registered voter, by the special precinct election officials
279 1 designated pursuant to section 53.22, subsection 1, or by the
279 2 voter's designee if the absentee ballot is voted by a voter
279 3 described in section 53.22, subsection 5, to the
279 4 commissioner's office no later than the time the polls are
279 5 closed on election day, ~~except as otherwise provided in~~
279 6 ~~subsection 4.~~
279 7 Sec. 362. Section 53.17, subsection 4, paragraph d,
279 8 subparagraph (2), if enacted by 2004 Iowa Acts, Senate File
279 9 2269, section 33, is amended to read as follows:
279 10 (2) The date and time the ~~voted~~ completed absentee ballot
279 11 was received from the voter.
279 12 Sec. 363. Section 68A.402, subsection 7, paragraph b, as
279 13 amended by 2004 Iowa Acts, House File 2319, section 1, if
279 14 enacted, is amended to read as follows:
279 15 b. COUNTY ELECTIONS. A political committee expressly
279 16 advocating the nomination, election, or defeat of candidates
279 17 for county office shall file reports on the same dates as a
279 18 candidate's committee is required to file reports under
279 19 subsection 2, paragraph "a" and subsection 5, paragraph "b".
279 20 Sec. 364. Section 68A.503, subsection 4, unnumbered
279 21 paragraph 1, as amended by 2004 Iowa Acts, House File 2318,
279 22 section 7, if enacted, is amended to read as follows:
279 23 The prohibitions in ~~sections~~ subsections 1 and 2 shall not
279 24 apply to an insurance company, savings and loan association,
279 25 bank, credit union, or corporation engaged in any of the
279 26 following activities:
279 27 Sec. 365. Section 99B.11, subsection 2, paragraph c, Code
279 28 2003, as amended by 2004 Iowa Acts, Senate File 2249, section
279 29 1, is amended to read as follows:
279 30 c. Contests or exhibitions of cooking, horticulture,
279 31 livestock, poultry, fish or other animals, artwork, hobbywork
279 32 or craftwork, except those prohibited by chapter 717A ~~or~~
279 33 ~~section 725.11.~~
279 34 Sec. 366. Section 174.1, subsection 0B, paragraph a, as
279 35 enacted by House File 2403, section 8, is amended to read as
280 1 follows:
280 2 a. The organization owns or leases at least ten acres of
280 3 fairgrounds. ~~A society~~ An organization may meet the
280 4 requirement of owning or leasing land, buildings, and
280 5 improvements through ownership by a joint entity under chapter
280 6 28E.
280 7 Sec. 367. Section 174.12, subsection 2, unnumbered
280 8 paragraph 1, Code 2003, as amended by 2004 Iowa Acts, House
280 9 File 2403, section 16, is amended to read as follows:
280 10 A district director of the association representing the
280 11 district in which the county is located, and the director of
280 12 the Iowa state fair board representing the state fair board
280 13 district in which the county is located, certify to the
280 14 association that the fair had an accredited delegate in
280 15 attendance at at least one of the district meetings, and at
280 16 the association's annual meeting.
280 17 Sec. 368. Section 229.27, subsection 1, Code 2003, is
280 18 amended to read as follows:
280 19 1. Hospitalization of a person under this chapter, either
280 20 voluntarily or involuntarily, does not constitute a finding of
280 21 nor equate with nor raise a presumption of incompetency, nor
280 22 cause the person so hospitalized to be deemed a person of
280 23 unsound mind nor a person under legal disability for any
280 24 purpose, including but not limited to any circumstances to
280 25 which sections 6B.15, 447.7, 487.402, subsection 5, paragraph
280 26 "b", section 488.603, subsection 6, paragraph "c", sections
280 27 487.705, 488.704, 597.6, 600B.21, 614.8, 614.19, 614.22,
280 28 614.24, 614.27, and 633.244 are applicable.
280 29 Sec. 369. Section 229.27, subsection 1, Code 2003, as
280 30 amended by this division of this Act to take effect January 1,

280 31 2005, is amended to read as follows:

280 32 1. Hospitalization of a person under this chapter, either
280 33 voluntarily or involuntarily, does not constitute a finding of
280 34 nor equate with nor raise a presumption of incompetency, nor
280 35 cause the person so hospitalized to be deemed a person of
281 1 unsound mind nor a person under legal disability for any
281 2 purpose, including but not limited to any circumstances to
281 3 which sections 6B.15, 447.7, ~~487.402, subsection 5, paragraph~~
~~281 4 "b",~~ section 488.603, subsection 6, paragraph "c", sections
281 5 487.705, 488.704, 597.6, 600B.21, 614.8, 614.19, 614.22,
281 6 614.24, 614.27, and 633.244 are applicable.

281 7 Sec. 370. Section 260C.18A, subsection 2, unnumbered
281 8 paragraph 1, Code Supplement 2003, is amended to read as
281 9 follows:

281 10 On July 1 of each year for the fiscal year beginning July
281 11 1, 2003, and for every fiscal year thereafter, moneys from the
281 12 grow Iowa values fund created in section 15G.108 are
281 13 appropriated to the department of economic development for
281 14 deposit in the workforce training and economic development
281 15 funds in amounts determined pursuant to subsection ~~3~~ 4.

281 16 Moneys deposited in the funds and disbursed to community
281 17 colleges for a fiscal year shall be expended for the following
281 18 purposes, provided seventy percent of the moneys shall be used
281 19 on projects in the areas of advanced manufacturing,
281 20 information technology and insurance, and life sciences which
281 21 include the areas of biotechnology, health care technology,
281 22 and nursing care technology:

281 23 Sec. 371. Section 321I.10, if enacted by 2004 Iowa Acts,
281 24 Senate File 297, section 53, is amended by adding the
281 25 following new subsection:

281 26 NEW SUBSECTION. 2A. Cities may designate streets under
281 27 the jurisdiction of cities within their respective corporate
281 28 limits which may be used for the sport of driving all-terrain
281 29 vehicles.

281 30 Sec. 372. Section 331.606B, subsection 4, paragraph a, if
281 31 enacted by 2004 Iowa Acts, Senate File 371, section 3, is
281 32 amended to read as follows:

281 33 a. A document or instrument that was signed before July 1,
281 34 ~~2004~~ 2005.

281 35 Sec. 373. Section 488.102, subsection 10, paragraph a,
282 1 subparagraph (2), as enacted by 2004 Iowa Acts, House File
282 2 2347, section 2, is amended to read as follows:

282 3 (2) A person that was a general partner in a limited
282 4 partnership when the limited partnership became subject to
282 5 this chapter under section ~~488.1206~~ 488.1204, subsection 1 or
282 6 2.

282 7 Sec. 374. Section 488.102, subsection 12, paragraph a,
282 8 subparagraph (2), as enacted by 2004 Iowa Acts, House File
282 9 2347, section 2, is amended to read as follows:

282 10 (2) A person that was a limited partner in a limited
282 11 partnership when the limited partnership became subject to
282 12 this chapter under section ~~488.1206~~ 488.1204, subsection 1 or
282 13 2.

282 14 Sec. 375. Section 488.102, subsection 13, as enacted by
282 15 2004 Iowa Acts, House File 2347, section 2, is amended to read
282 16 as follows:

282 17 13. "Limited partnership", except in the phrases "foreign
282 18 limited partnership" and "foreign limited liability limited
282 19 partnership", means an entity, having one or more general
282 20 partners and one or more limited partners, which is formed
282 21 under this chapter by two or more persons or becomes subject
282 22 to this chapter under article 11 or section ~~488.1206~~ 488.1204,
282 23 subsection 1 or 2. The term includes a limited liability
282 24 limited partnership.

282 25 Sec. 376. Section 488.202, subsection 3, unnumbered
282 26 paragraph 1, as enacted by 2004 Iowa Acts, House File 2347,
282 27 section 20, is amended to read as follows:

282 28 A general partner that knows that any information in a
282 29 filed certificate of limited partnership was false when the
282 30 certificate was filed or has become false due to changed
282 31 circumstances shall promptly do at least one of the following:

282 32 Sec. 377. Section 488.209, subsection 1, paragraph c, as
282 33 enacted by 2004 Iowa Acts, House File 2347, section 27, is
282 34 amended to read as follows:

282 35 c. Whether all fees, taxes, and penalties under this
283 1 chapter or other law due ~~to~~ the secretary of state have been
283 2 paid.

283 3 Sec. 378. Section 488.209, subsection 2, paragraph c, as
283 4 enacted by 2004 Iowa Acts, House File 2347, section 27, is
283 5 amended to read as follows:

283 6 c. Whether all fees, taxes, and penalties under this

283 7 chapter or other law due ~~to~~ the secretary of state have been
283 8 paid.

283 9 Sec. 379. Section 488.508, subsection 6, as enacted by
283 10 2004 Iowa Acts, House File 2347, section 50, is amended to
283 11 read as follows:

283 12 6. A limited partnership's indebtedness, including
283 13 indebtedness issued in connection with or as part of a
283 14 distribution, is not considered a liability for purposes of
283 15 subsection 2 if the terms of the indebtedness provide that
283 16 payment of principal and interest ~~are is~~ made only to the
283 17 extent that a distribution could then be made to partners
283 18 under this section.

283 19 Sec. 380. Section 488.703, subsection 1, as enacted by
283 20 2004 Iowa Acts, House File 2347, section 61, is amended to
283 21 read as follows:

283 22 1. On application to a court of competent jurisdiction by
283 23 any judgment creditor of a partner or transferee, the court
283 24 may charge the transferable interest of the judgment debtor
283 25 with payment of the unsatisfied amount of the judgment with
283 26 interest. To the extent so charged, the judgment creditor has
283 27 only the rights of a transferee. The court may appoint a
283 28 receiver of the share of the distributions due or to become
283 29 due ~~to~~ the judgment debtor in respect of the partnership and
283 30 make all other orders, directions, accounts, and inquiries the
283 31 judgment debtor might have made or which the circumstances of
283 32 the case may require to give effect to the charging order.

283 33 Sec. 381. Section 488.809, subsection 1, paragraph a, as
283 34 enacted by 2004 Iowa Acts, House File 2347, section 72, is
283 35 amended to read as follows:

284 1 a. Pay any fee, tax, or penalty under this chapter or
284 2 other law due ~~to~~ the secretary of state.

284 3 Sec. 382. Section 488.906, subsection 1, paragraph a, as
284 4 enacted by 2004 Iowa Acts, House File 2347, section 81, is
284 5 amended to read as follows:

284 6 a. Pay, within sixty days after the due date, any fee, tax
284 7 or penalty under this chapter or other law due ~~to~~ the
284 8 secretary of state.

284 9 Sec. 383. Section 488.1106, subsection 1, paragraph a, as
284 10 enacted by 2004 Iowa Acts, House File 2347, section 94, is
284 11 amended to read as follows:

284 12 a. The governing statute of each of the other
284 13 organizations authorizes the merger.

284 14 Sec. 384. Section 504.304, subsection 1, if enacted by
284 15 2004 Iowa Acts, Senate File 2274, section 27, is amended to
284 16 read as follows:

284 17 1. Except as provided in subsection 2, the validity of
284 18 corporate action ~~may shall~~ not be challenged on the ground
284 19 that the corporation lacks or lacked power to act.

284 20 Sec. 385. Section 504.854, subsection 3, paragraph b, if
284 21 enacted by 2004 Iowa Acts, Senate File 2274, section 104, is
284 22 amended to read as follows:

284 23 b. By the members, but the director who, at the time does
284 24 not qualify as a disinterested director, ~~may shall~~ not vote as
284 25 a member or on behalf of a member.

284 26 Sec. 386. Section 504.1422, subsection 3, if enacted by
284 27 2004 Iowa Acts, Senate File 2274, section 145, is amended to
284 28 read as follows:

284 29 3. A corporation that is administratively dissolved
284 30 continues its corporate existence but ~~may shall~~ not carry on
284 31 any activities except those necessary to wind up and liquidate
284 32 its affairs pursuant to section 504.1406 and notify its
284 33 claimants pursuant to sections 504.1407 and 504.1408.

284 34 Sec. 387. Section 614.37, Code 2003, as amended by 2004
284 35 Iowa Acts, House File 2450, section 8, if enacted, is amended
285 1 to read as follows:

285 2 614.37 LIMITATION STATUTES NOT EXTENDED.

285 3 Nothing contained in this chapter shall be construed to
285 4 extend the period for the bringing of an action or for the
285 5 doing of any other required act under any statutes of
285 6 limitations, nor, except as herein specifically provided, to
285 7 effect the operation of any statutes governing the effect of
285 8 the recording or the failure to record any instrument
285 9 affecting land. It is intended that nothing contained in this
285 10 ~~division chapter~~ be interpreted to revive or extend the period
285 11 of filing a claim or bringing an action that may be limited or
285 12 barred by any other statute.

285 13 Sec. 388. Section 669.14, subsection 11, unnumbered
285 14 paragraph 1, Code Supplement 2003, as amended by 2004 Iowa
285 15 Acts, House File 2347, section 116, is amended to read as
285 16 follows:

285 17 Any claim for financial loss based upon an act or omission

285 18 in financial regulation, including but not limited to
285 19 examinations, inspections, audits, or other financial
285 20 oversight responsibilities, pursuant to chapters 87, 203,
285 21 203C, 203D, 421B, 486, ~~or the figure "487"~~ 487, 488, and 490
285 22 through 553, excluding chapters 540A, 542, 542B, 543B, 543C,
285 23 543D, 544A, and 544B.

285 24 Sec. 389. Section 709A.1, subsection 2, paragraph c, Code
285 25 2003, as amended by 2004 Iowa Acts, Senate File 2249, section
285 26 2, is amended to read as follows:

285 27 c. Any premises the use of which constitutes a violation
285 28 of chapter 717A, or section 725.5, ~~or 725.10, or 725.11.~~
285 29 Sec. 390. Section 714.26, subsection 1, paragraph c, if
285 30 enacted by 2004 Iowa Acts, House File 2395, is amended to read
285 31 as follows:

285 32 c. "Retail value" means the highest value of an item
285 33 determined by any reasonable standard at the time the item
285 34 bearing or identified by a counterfeit mark is seized. If a
285 35 seized item bearing or identified by a counterfeit mark is a
286 1 component of a finished product, "retail value" also means the
286 2 highest value, determined by any reasonable standard, of the
286 3 finished product on which the component would have been
286 4 utilized. The retail value shall be the retail value of the
286 5 aggregate quantity of all items seized which bear or are
286 6 identified by a counterfeit mark. For purposes of this
286 7 paragraph, reasonable standard includes but is not limited ~~the~~
286 8 to ~~the~~ market value within the community, actual value,
286 9 replacement value, or the counterfeiter's regular selling
286 10 price for the item bearing or identified by a counterfeit
286 11 mark, or the intellectual property owner's regular selling
286 12 price for an item similar to the item bearing or identified by
286 13 a counterfeit mark.

286 14 Sec. 391. Section 717E.1, subsection 3, paragraph a, if
286 15 enacted by 2004 Iowa Acts, House File 2480, section 1, is
286 16 amended to read as follows:

286 17 a. The annual fair and exposition held by the Iowa state
286 18 fair board pursuant to chapter 173 or any fair ~~held event~~
286 19 ~~conducted by a county or district fair or agricultural society~~
286 20 under the provisions of chapter 174.

286 21 Sec. 392. Section 812.6, subsection 2, unnumbered
286 22 paragraph 1, if enacted by 2004 Iowa Acts, Senate File 2272,
286 23 section 8, is amended to read as follows:

286 24 If the court finds by clear and convincing evidence that
286 25 the defendant poses a danger to the public peace or safety, or
286 26 that the defendant is otherwise not qualified for pretrial
286 27 release, or the defendant refuses to cooperate with treatment,
286 28 the court shall commit the defendant to an appropriate
286 29 inpatient treatment facility as provided in ~~paragraphs~~
286 30 ~~paragraph "a" and or "b".~~ The defendant shall receive mental
286 31 health treatment designed to restore the defendant to
286 32 competency.

286 33 Sec. 393. Sections 7D.15, 10D.1, 15.114, 15.221, 15E.64,
286 34 18A.11, 84A.1C, 225C.13, 303.3, 331.441, 357A.2, 357A.11,
286 35 357A.20, 357A.21, 357A.22A, 357A.23, 357A.24, 425.11, 476.1,
287 1 476.27, 480.3, 499.5, 499.5A, 500.3, 504C.1, 514.19, 514.23,
287 2 and 515.1, Code 2003, are amended by inserting before the
287 3 figure "504A" the following: "504 or", if 2004 Iowa Acts,
287 4 Senate File 2274 is enacted.

287 5 Sec. 394. Sections 9H.1, 9H.4, 10B.1, 190C.6, 304A.21,
287 6 331.427, 357A.15, 422.45, 490.1701, 504B.1, 504B.6, 513C.10,
287 7 514.1, 514.2, 514.5, 616.10, 633.63, and 716.6B, Code
287 8 Supplement 2003, are amended by inserting before the figure
287 9 "504A" the following: "504 or", if 2004 Iowa Acts, Senate
287 10 File 2274 is enacted.

287 11 Sec. 395. 2004 Iowa Acts, House File 401, section 1, is
287 12 amended by striking the section and inserting in lieu thereof
287 13 the following:

287 14 SECTION 1. Section 404A.4, subsection 4, Code Supplement
287 15 2003, is amended to read as follows:

287 16 4. The total amount of tax credits that may be approved
287 17 for a fiscal year under this chapter shall not exceed two
287 18 million four hundred thousand dollars. For the fiscal years
287 19 beginning July 1, 2005, and July 1, 2006, an additional five
287 20 hundred thousand dollars of tax credits may be approved each
287 21 fiscal year for purposes of projects located in cultural and
287 22 entertainment districts certified pursuant to section 303.3B.
287 23 Any of the additional tax credits allocated for projects
287 24 located in certified cultural and entertainment districts that
287 25 are not approved during a fiscal year may be carried over to
287 26 the succeeding fiscal year. ~~Tax credit certificates shall be~~
287 27 ~~issued on the basis of the earliest awarding~~ The department of
287 28 cultural affairs shall establish by rule the procedures for

287 29 the application, review, selection, and awarding of
287 30 certifications of completion as provided in subsection 1. The
287 31 departments of economic development, cultural affairs, and
287 32 revenue shall each adopt rules to jointly administer this
287 33 subsection and shall provide by rule for the method to be used
287 34 to determine for which fiscal year the tax credits are
287 35 approved available.

288 1 Sec. 396. 2004 Iowa Acts, House File 2562, section 10,
288 2 subsection 2, if enacted, is amended to read as follows:

288 3 2. On and after July 1, 2005, an owner of an electrical
288 4 and mechanical amusement device as described in subsection 1
288 5 shall not offer the device for use by the public. However,
288 6 the owner of a device shall be permitted to sell the device to
288 7 a distributor, as defined in section 99B.1, as amended by this
288 8 Act, or to a person authorized to offer the device to the
288 9 public pursuant to section 99B.10, subsection 4, as amended by
288 10 this Act for which a class "A", class "B", class "C", or class
288 11 "D" liquor control license ~~or class "B" or class "C" beer~~
288 12 ~~permit~~ has been issued pursuant to chapter 123.

288 13 Sec. 397. 2004 Iowa Acts, Senate File 2070, section 35,
288 14 subsection 1, is amended to read as follows:

288 15 1. Except as provided in subsections 2 through ~~4~~ 6, this
288 16 Act takes effect January 1, 2005.

288 17 Sec. 398. The section of 2004 Iowa Acts, House File 2489,
288 18 amending section 523A.502, subsection 7, is repealed if 2004
288 19 Iowa Acts, House File 2269, is enacted.

288 20 Sec. 399. 2004 Iowa Acts, Senate File 2282, section 1, if
288 21 enacted, is amended to read as follows:

288 22 SECTION 1. LOESS HILLS STUDY AND REPORT. The loess hills
288 23 development and conservation authority, in consultation with
288 24 the state advisory board for preserves, shall conduct a
288 25 comprehensive study to determine the archaeological and
288 26 paleontological significance and the significance of the flora
288 27 and fauna of the loess hills and to determine the feasibility
288 28 of designating land in the loess hills for dedication as a
288 29 state native prairie preserve and of other various uses of the
288 30 loess hills. ~~The natural resource commission loess hills~~
288 31 ~~development and conservation authority~~ may accept gifts,

288 32 grants, bequests, and other private contributions, as well as
288 33 federal, state, or local funds for the purposes of conducting
288 34 the study. The loess hills development and conservation
288 35 authority and the state advisory board for preserves shall
289 1 file a joint report containing their findings and
289 2 recommendations with the legislative services agency by
289 3 December 15, 2006, for distribution to the general assembly.

289 4 Sec. 400. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.

289 5 1. The sections of this division of this Act amending
289 6 sections 9H.1 and 10B.1, Code Supplement 2003, and 229.27,
289 7 Code 2003, take effect January 1, 2005. The sections of this
289 8 division of this Act further amending sections 9H.1 and 10B.1,
289 9 Code Supplement 2003, and 229.27, Code 2003, as amended by
289 10 this division of this Act to take effect January 1, 2005, take
289 11 effect January 1, 2006.

289 12 2. The section of this division of this Act amending
289 13 section 260C.18A, being deemed of immediate importance, takes
289 14 effect upon enactment and applies retroactively to July 1,
289 15 2003.

289 16 3. The section of this division of this Act amending 2004
289 17 Iowa Acts, Senate File 2070, being deemed of immediate
289 18 importance, takes effect upon enactment and applies
289 19 retroactively to the date of enactment of Senate File 2070.

289 20 DIVISION XVIII

289 21 COMMUNITY ATTRACTION AND TOURISM FUND

289 22 Sec. 401. Section 15F.204, subsection 3, Code 2003, is
289 23 amended to read as follows:

289 24 3. The fund shall be used to provide assistance only from
289 25 funds, rights, and assets legally available to the board in
289 26 the form of grants, loans, forgivable loans, and credit
289 27 enhancements and financing instruments under the community
289 28 attraction and tourism program established in section 15F.202.
289 29 A project with a total cost exceeding twenty million dollars
289 30 may receive financial assistance under the program. An
289 31 applicant under the community attraction and tourism program
289 32 shall not receive financial assistance from the fund in an
289 33 amount exceeding fifty percent of the total cost of the
289 34 project.

289 35 Sec. 402. Section 15F.204, Code 2003, is amended by adding
290 1 the following new subsection:

290 2 NEW SUBSECTION. 8. a. There is appropriated from the
290 3 rebuild Iowa infrastructure fund to the community attraction
290 4 and tourism fund, the following amounts:

290 5 (1) For the fiscal year beginning July 1, 2004, and ending
290 6 June 30, 2005, the sum of twelve million dollars.
290 7 (2) For the fiscal year beginning July 1, 2005, and ending
290 8 June 30, 2006, the sum of five million dollars.
290 9 (3) For the fiscal year beginning July 1, 2006, and ending
290 10 June 30, 2007, the sum of five million dollars.
290 11 (4) For the fiscal year beginning July 1, 2007, and ending
290 12 June 30, 2008, the sum of five million dollars.
290 13 (5) For the fiscal year beginning July 1, 2008, and ending
290 14 June 30, 2009, the sum of five million dollars.
290 15 (6) For the fiscal year beginning July 1, 2009, and ending
290 16 June 30, 2010, the sum of five million dollars.
290 17 b. There is appropriated from the franchise tax revenues
290 18 deposited in the general fund of the state to the community
290 19 attraction and tourism fund, the following amounts:
290 20 (1) For the fiscal year beginning July 1, 2005, and ending
290 21 June 30, 2006, the sum of seven million dollars.
290 22 (2) For the fiscal year beginning July 1, 2006, and ending
290 23 June 30, 2007, the sum of seven million dollars.
290 24 (3) For the fiscal year beginning July 1, 2007, and ending
290 25 June 30, 2008, the sum of seven million dollars.
290 26 (4) For the fiscal year beginning July 1, 2008, and ending
290 27 June 30, 2009, the sum of seven million dollars.
290 28 (5) For the fiscal year beginning July 1, 2009, and ending
290 29 June 30, 2010, the sum of seven million dollars.
290 30 Notwithstanding the allocation requirements in subsection
290 31 5, the board may make a multiyear commitment to an applicant
290 32 of up to four million dollars in any one fiscal year.

290 33 DIVISION XIX

290 34 REGULATORY EFFICIENCY COMMISSION

290 35 Sec. 403. REGULATORY EFFICIENCY COMMISSION.

291 1 1. A regulatory efficiency commission is established for
291 2 purposes of identifying unneeded regulations, fines, and fees
291 3 that hinder business development. The commission shall also
291 4 identify methods for streamlining access to regulatory
291 5 information.
291 6 2. The commission shall consist of eight voting members
291 7 appointed by the governor and four ex officio members.
291 8 a. The eight voting members appointed by the governor are
291 9 subject to the requirements of sections 69.16, 69.16A, and
291 10 69.19. The eight members shall consist of the following:
291 11 (1) Two members shall be economic development
291 12 representatives from two different chambers of commerce. One
291 13 shall be from a metropolitan area with more than fifty
291 14 thousand people and one shall be from a metropolitan area with
291 15 fifty thousand people or less.
291 16 (2) Two members representing agricultural interests.
291 17 (3) One member representing the Iowa association of
291 18 business and industry.
291 19 (4) Two members representing commercial-based and
291 20 manufacturing-based businesses.
291 21 (5) One member representing the Iowa environmental
291 22 council.

291 23 b. The four ex officio members shall be members of the
291 24 general assembly. Two members shall be from the senate and
291 25 two members shall be from the house of representatives, with
291 26 not more than one member from each chamber being from the same
291 27 political party. The two senators shall be designated by the
291 28 president of the senate after consultation with the majority
291 29 and minority leaders of the senate. The two representatives
291 30 shall be designated by the speaker of the house of
291 31 representatives after consultation with the majority and
291 32 minority leaders of the house of representatives. Legislative
291 33 members shall serve in an ex officio, nonvoting capacity.

291 34 3. Meetings of the commission are subject to the
291 35 provisions of chapter 21.

292 1 4. By January 10, 2005, the commission shall submit a
292 2 written report to the governor and the general assembly. The
292 3 report shall include the findings and legislative
292 4 recommendations of the commission. The report shall be
292 5 distributed by the secretary of the senate and the chief clerk
292 6 of the house of representatives to the chairpersons and
292 7 members of the administrative rules review committee and the
292 8 economic growth committees in the senate and the house of
292 9 representatives.

292 10 DIVISION XX

292 11 WIND ENERGY TAX CREDITS

292 12 Sec. 404. NEW SECTION. 422.11J WIND ENERGY PRODUCTION
292 13 TAX CREDIT.

292 14 The taxes imposed under this division, less the credits
292 15 allowed under sections 422.12 and 422.12B, shall be reduced by

292 16 a wind energy production tax credit allowed under chapter
292 17 476B.

292 18 Sec. 405. Section 422.33, Code Supplement 2003, is amended
292 19 by adding the following new subsection:
292 20 NEW SUBSECTION. 16. The taxes imposed under this division
292 21 shall be reduced by a wind energy production tax credit
292 22 allowed under chapter 476B.

292 23 Sec. 406. Section 422.60, Code Supplement 2003, is amended
292 24 by adding the following new subsection:
292 25 NEW SUBSECTION. 9. The taxes imposed under this division
292 26 shall be reduced by a wind energy production tax credit
292 27 allowed under chapter 476B.

292 28 Sec. 407. NEW SECTION. 432.12E WIND ENERGY PRODUCTION
292 29 TAX CREDIT.

292 30 The taxes imposed under this chapter shall be reduced by a
292 31 wind energy production tax credit allowed under chapter 476B.

292 32 Sec. 408. Section 437A.6, subsection 1, paragraph c, Code
292 33 2003, is amended to read as follows:
292 34 c. Wind energy conversion property subject to section
292 35 427B.26 or eligible for a tax credit under chapter 476B.

293 1 Sec. 409. NEW SECTION. 476B.1 DEFINITIONS.
293 2 For purposes of this chapter, unless the context otherwise
293 3 requires:
293 4 1. "Board" means the utilities board within the utilities
293 5 division of the department of commerce.
293 6 2. "Department" means the department of revenue.
293 7 3. "Qualified electricity" means electricity produced from
293 8 wind at a qualified facility.
293 9 4. "Qualified facility" means an electrical production
293 10 facility that meets all of the following:
293 11 a. Produces electricity from wind.
293 12 b. Is located in Iowa.
293 13 c. Was originally placed in service on or after July 1,
293 14 2004, but before July 1, 2007.

293 15 Sec. 410. NEW SECTION. 476B.2 GENERAL RULE.
293 16 The owner of a qualified facility shall, for each kilowatt=
293 17 hour of qualified electricity that the owner sells during the
293 18 ten=year period beginning on the date the qualified facility
293 19 was originally placed in service, be allowed a wind energy
293 20 production tax credit to the extent provided in this chapter
293 21 against the tax imposed in chapter 422, divisions II, III, and
293 22 V, and chapter 432.

293 23 Sec. 411. NEW SECTION. 476B.3 CREDIT AMOUNT.
293 24 1. Except as limited by subsection 2, the wind energy
293 25 production tax credit allowed under this chapter equals the
293 26 product of one cent multiplied by the number of kilowatt=hours
293 27 of qualified electricity sold by the owner during the taxable
293 28 year.
293 29 2. a. The maximum amount of tax credit which a group of
293 30 qualified facilities operating as one unit may receive for a
293 31 taxable year equals the rate of credit times thirty=two
293 32 percent of the total number of kilowatts of nameplate
293 33 generating capacity.
293 34 b. However, if for the previous taxable year the amount of
293 35 the tax credit for the group of qualified facilities operating
294 1 as one unit is less than the maximum amount available as
294 2 provided in paragraph "a", the maximum amount for the next
294 3 taxable year shall be increased by the amount of the previous
294 4 year's unused maximum credit.

294 5 Sec. 412. NEW SECTION. 476B.4 LIMITATIONS.
294 6 1. a. The wind energy production tax credit shall not be
294 7 allowed for any kilowatt=hour of electricity produced on wind
294 8 energy conversion property for which the owner has claimed or
294 9 otherwise received for that property the benefit of special
294 10 valuation under section 427B.26 or section 441.21, subsection
294 11 8, or the exemption from retail sales tax under section
294 12 422.45, subsection 48, or section 423.3, subsection 53, as
294 13 applicable.
294 14 b. The disallowance of the tax credit pursuant to
294 15 paragraph "a" does not apply to an owner of a qualified
294 16 facility that owns, directly or indirectly, in the aggregate,
294 17 a total annual turbine nameplate capacity of all such property
294 18 of less than one megawatt. A qualified facility under this
294 19 paragraph shall not be owned by more than one person.
294 20 2. The wind energy production tax credit shall not be
294 21 allowed for any kilowatt=hour of electricity that is sold to a
294 22 related person. For purpose of this subsection, persons shall
294 23 be treated as related to each other if such persons would be
294 24 treated as a single employer under the regulations prescribed
294 25 under section 52(b) of the Internal Revenue Code. In the case
294 26 of a corporation that is a member of an affiliated group of

294 27 corporations filing a consolidated return, such corporation
294 28 shall be treated as selling electricity to an unrelated person
294 29 if such electricity is sold to such a person by another member
294 30 of such group.

294 31 Sec. 413. NEW SECTION. 476B.5 APPLICATION FOR TAX CREDIT
294 32 CERTIFICATES.

294 33 1. a. To be eligible to receive the wind energy
294 34 production tax credit, the owner must first receive approval
294 35 of the board of supervisors of the county in which the
295 1 qualified facility is located. The application for approval
295 2 may be submitted prior to commencement of the construction of
295 3 the qualified facility but shall be submitted no later than
295 4 the close of the owner's first taxable year for which the
295 5 credit is to be applied for. The application must contain the
295 6 owner's name and address, the address of the qualified
295 7 facility, and the dates of the owner's first and last taxable
295 8 years for which the credit will be applied for. Within forty=
295 9 five days of the receipt of the application for approval, the
295 10 board of supervisors shall either approve or disapprove the
295 11 application. After the forty=five=day limit, the application
295 12 is deemed to be approved.

295 13 b. Upon approval of the application, the owner may apply
295 14 for the tax credit as provided in subsection 2. In addition,
295 15 approval of the application is acceptance by the applicant for
295 16 the assessment of the qualified facility for property tax
295 17 purposes for a period of twelve years and approval by the
295 18 board of supervisors for the payment of the property taxes
295 19 levied on the qualified property to the state. For purposes
295 20 of property taxation, the qualified facility shall be
295 21 centrally assessed and shall be exempt from any replacement
295 22 tax under section 437A.6 for the period during which the
295 23 facility is subject to property taxation. The property taxes
295 24 to be paid to the state are those property taxes which make up
295 25 the consolidated tax levied on the qualified facility and
295 26 which are due and payable in the twelve-year period beginning
295 27 with the first fiscal year beginning on or after the end of
295 28 the owner's first taxable year for which the credit is applied
295 29 for. Upon approval of the application, the board of
295 30 supervisors shall notify the county treasurer to state on the
295 31 tax statement which lists the taxes on the qualified facility
295 32 that the amount of the property taxes shall be paid to the
295 33 department. Payment of the designated property taxes to the
295 34 department shall be in the same manner as required for the
295 35 payment of regular property taxes and failure to pay
296 1 designated property taxes to the department shall be treated
296 2 the same as failure to pay property taxes to the county
296 3 treasurer.

296 4 c. Once the owner of the qualified facility receives
296 5 approval under paragraph "a", subsequent approval under
296 6 paragraph "a" is not required for the same qualified facility
296 7 for subsequent taxable years.

296 8 2. To receive the wind energy production tax credit, an
296 9 owner of the qualified facility must submit an application for
296 10 a tax credit certificate to the board not later than thirty
296 11 days after the close of the taxable year for which the credit
296 12 is applied for. The owner's application must contain, but
296 13 need not be limited to, all of the following information: the
296 14 owner's name, tax identification number, and address, the
296 15 number of kilowatt=hours of qualified electricity sold by the
296 16 owner during the preceding taxable year, the address of the
296 17 qualified facility at which the qualified electricity was
296 18 produced, and the denomination that each tax credit
296 19 certificate is to carry. For the first taxable year for which
296 20 the credit is applied for, there shall be attached to the
296 21 application a notarized copy of the board of supervisors'
296 22 approval as required in subsection 1.

296 23 3. The board shall, in conjunction with the department,
296 24 prescribe appropriate forms, including board of supervisors'
296 25 approval forms, and instructions to enable owners to claim the
296 26 tax credit allowed under this chapter. If the board
296 27 prescribes these forms and instructions, an owner's
296 28 application for a tax credit certificate shall not be valid
296 29 unless made on and in accordance with these forms and
296 30 instructions.

296 31 Sec. 414. NEW SECTION. 476B.6 ISSUANCE OF TAX CREDIT
296 32 CERTIFICATES.

296 33 1. If the owner meets the criteria for eligibility for the
296 34 wind energy production tax credit, the board shall determine
296 35 the validity of the application and if valid, shall approve
297 1 the application for credit. Once approval of the credit for a
297 2 qualified facility is granted, subsequent approval is not

3 required for the same qualified facility. However,
4 application is required to be filed as provided in section
5 476B.5, subsection 2, for purposes of the issuance of credit
6 certificates. The board shall issue one or more tax credit
7 certificates to the owner not later than thirty days after the
8 application is submitted to the board. Each tax credit
9 certificate must contain the owner's name, address, and tax
10 identification number, amount of tax credits, the first
11 taxable year the certificates may be used, which shall not be
12 for a taxable year beginning prior to July 1, 2005, and the
13 expiration date of the tax credit certificate, which shall be
14 seven years from its date of issuance and any other
15 information required by the department. Once issued by the
16 board, the tax credit certificate shall be binding on the
17 board and the department and shall not be modified,
18 terminated, or rescinded. The board shall notify the
19 department and identify the qualified facility for which the
20 owner received tax credit certificates that property taxes
21 levied on the qualified facility are to be paid to the
22 department.

23 2. If the tax credit application is filed by a
24 partnership, limited liability company, S corporation, estate,
25 trust, or other reporting entity all of the income of which is
26 taxed directly to its equity holders or beneficiaries, the tax
27 credit certificate may, at the election of the owner, be
28 issued directly to equity holders or beneficiaries of the
29 owner in proportion to their pro rata share of the income of
30 such entity. If the owner elects to have the tax credit
31 certificate issued directly to its equity holders or
32 beneficiaries, the owner must, in the application made under
33 section 476B.5, identify its equity holders or beneficiaries,
34 and the amount of such entity's income that is allocable to
35 each equity holder or beneficiary.

1 Sec. 415. NEW SECTION. 476B.7 TRANSFER OF TAX CREDIT
2 CERTIFICATES.

3 Wind energy production tax credit certificates issued under
4 this chapter may be transferred to any person or entity.
5 Within thirty days of transfer, the transferee must submit the
6 transferred tax credit certificate to the board along with a
7 statement containing the transferee's name, tax identification
8 number, and address, and the denomination that each
9 replacement tax credit certificate is to carry and any other
10 information required by the department. Within thirty days of
11 receiving the transferred tax credit certificate and the
12 transferee's statement, the board shall issue one or more
13 replacement tax credit certificates to the transferee. Each
14 replacement certificate must contain the information required
15 under section 476B.6 and must have the same effective taxable
16 year and the same expiration date that appeared in the
17 transferred tax credit certificate. Tax credit certificate
18 amounts of less than the minimum amount established by rule of
19 the board shall not be transferable. A tax credit shall not
20 be claimed by a transferee under this chapter until a
21 replacement tax credit certificate identifying the transferee
22 as the proper holder has been issued.

23 The tax credit shall only be transferred once. The
24 transferee may use the amount of the tax credit transferred
25 against the taxes imposed under chapter 422, divisions II,
26 III, and V, and chapter 432 for any tax year the original
27 transferor could have claimed the tax credit. Any
28 consideration received for the transfer of the tax credit
29 shall not be included as income under chapter 422, divisions
30 II, III, and V. Any consideration paid for the transfer of
31 the tax credit shall not be deducted from income under chapter
32 422, divisions II, III, and V.

33 Sec. 416. NEW SECTION. 476B.8 USE OF TAX CREDIT
34 CERTIFICATES.

35 To claim a wind energy production tax credit under this
1 chapter, a taxpayer must attach one or more tax credit
2 certificates to the taxpayer's tax return. A tax credit
3 certificate shall not be used or attached to a return filed
4 for a taxable year beginning prior to July 1, 2005. The tax
5 credit certificate or certificates attached to the taxpayer's
6 tax return shall be issued in the taxpayer's name, expire on
7 or after the last day of the taxable year for which the
8 taxpayer is claiming the tax credit, and show a tax credit
9 amount equal to or greater than the tax credit claimed on the
10 taxpayer's tax return. Any tax credit in excess of the
11 taxpayer's tax liability for the taxable year may be credited
12 to the taxpayer's tax liability for the following seven
13 taxable years or until depleted, whichever is the earlier.

299 14 Sec. 417. NEW SECTION. 476B.9 REGISTRATION OF TAX CREDIT
299 15 CERTIFICATES.

299 16 The board shall, in conjunction with the department,
299 17 develop a system for the registration of the wind energy
299 18 production tax credit certificates issued or transferred under
299 19 this chapter and a system that permits verification that any
299 20 tax credit claimed on a tax return is valid and that transfers
299 21 of the tax credit certificates are made in accordance with the
299 22 requirements of this chapter. The tax credit certificates
299 23 issued under this chapter shall not be classified as a
299 24 security pursuant to chapter 502.

299 25 Sec. 418. EFFECTIVE AND APPLICABILITY DATES. This
299 26 division of this Act, being deemed of immediate importance,
299 27 takes effect upon enactment and applies retroactively to
299 28 taxable years beginning on or after January 1, 2004.

299 29 DIVISION XXI

299 30 LICENSED INTERPRETER FOR THE HEARING IMPAIRED

299 31 Sec. 419. Section 147.1, subsection 2, paragraph c, Code
299 32 2003, is amended to read as follows:

299 33 c. "Licensed" or "certified" when applied to a physician
299 34 and surgeon, podiatric physician, osteopath, osteopathic
299 35 physician and surgeon, physician assistant, psychologist or
300 1 associate psychologist, chiropractor, nurse, dentist, dental
300 2 hygienist, optometrist, speech pathologist, audiologist,
300 3 pharmacist, physical therapist, occupational therapist,
300 4 respiratory care practitioner, practitioner of cosmetology
300 5 arts and sciences, practitioner of barbering, funeral
300 6 director, dietitian, marital and family therapist, mental
300 7 health counselor, social worker, massage therapist, athletic
300 8 trainer, ~~or~~ acupuncturist, or interpreter for the hearing
300 9 impaired, means a person licensed under this subtitle.

300 10 Sec. 420. Section 147.1, subsection 2, paragraph f, Code
300 11 2003, is amended to read as follows:

300 12 f. "Profession" means medicine and surgery, podiatry,
300 13 osteopathy, osteopathic medicine and surgery, practice as a
300 14 physician assistant, psychology, chiropractic, nursing,
300 15 dentistry, dental hygiene, optometry, speech pathology,
300 16 audiology, pharmacy, physical therapy, occupational therapy,
300 17 respiratory care, cosmetology arts and sciences, barbering,
300 18 mortuary science, marital and family therapy, mental health
300 19 counseling, social work, dietetics, massage therapy, athletic
300 20 training, ~~or~~ acupuncture, or interpreting for the hearing
300 21 impaired.

300 22 Sec. 421. Section 147.2, unnumbered paragraph 1, Code
300 23 2003, is amended to read as follows:

300 24 A person shall not engage in the practice of medicine and
300 25 surgery, podiatry, osteopathy, osteopathic medicine and
300 26 surgery, psychology, chiropractic, physical therapy, nursing,
300 27 dentistry, dental hygiene, optometry, speech pathology,
300 28 audiology, occupational therapy, respiratory care, pharmacy,
300 29 cosmetology, barbering, social work, dietetics, marital and
300 30 family therapy or mental health counseling, massage therapy,
300 31 mortuary science, ~~or~~ acupuncture, or interpreting for the
300 32 hearing impaired, or shall not practice as a physician
300 33 assistant as defined in the following chapters of this
300 34 subtitle, unless the person has obtained from the department a
300 35 license for that purpose.

301 1 Sec. 422. Section 147.13, Code 2003, is amended by adding
301 2 the following new subsection:

301 3 NEW SUBSECTION. 21. For interpreters, interpreter for the
301 4 hearing impaired examiners.

301 5 Sec. 423. Section 147.14, Code 2003, is amended by adding
301 6 the following new subsection:

301 7 NEW SUBSECTION. 21. For interpreting for the hearing
301 8 impaired, four members licensed to practice interpreting,
301 9 three of whom shall be practicing interpreters at the time of
301 10 appointment to the board and at least one of whom is employed
301 11 in an educational setting; and three members who are consumers
301 12 of interpreting services as defined in section 154E.1, each of
301 13 whom shall be deaf. A majority of members of the board
301 14 constitutes a quorum.

301 15 Sec. 424. Section 147.74, Code Supplement 2003, is amended
301 16 by adding the following new subsection:

301 17 NEW SUBSECTION. 21A. An interpreter licensed under
301 18 chapter 154E and this chapter may use the title "licensed
301 19 interpreter" or the letters "L.I." after the person's name.

301 20 Sec. 425. Section 147.80, Code Supplement 2003, is amended
301 21 by adding the following new subsection:

301 22 NEW SUBSECTION. 28A. License to practice interpreting,
301 23 license to practice interpreting under a reciprocal license,
301 24 or renewal of a license to practice interpreting.

301 25 Sec. 426. NEW SECTION. 154E.1 DEFINITIONS.
301 26 As used in this chapter, unless the context otherwise
301 27 requires:
301 28 1. "Board" means the board of interpreter for the hearing
301 29 impaired examiners established in chapter 147.
301 30 2. "Consumer" means an individual utilizing interpreting
301 31 services who uses spoken English, American sign language, or a
301 32 manual form of English.
301 33 3. "Department" means the Iowa department of public
301 34 health.
301 35 4. "Interpreter training program" means a post-secondary
302 1 education program training individuals to interpret or
302 2 transliterate.
302 3 5. "Interpreting" means facilitating communication between
302 4 individuals who communicate via American sign language and
302 5 individuals who communicate via spoken English.
302 6 6. "Licensee" means any person licensed to practice
302 7 interpreting or transliterating for deaf, hard-of-hearing, and
302 8 hearing individuals in the state of Iowa.
302 9 7. "Transliterating" means facilitating communication
302 10 between individuals who communicate via a manual form of
302 11 English and individuals who communicate via spoken English.
302 12 Sec. 427. NEW SECTION. 154E.2 DUTIES OF THE BOARD.
302 13 The board shall administer this chapter. The board's
302 14 duties shall include, but are not limited to, the following:
302 15 1. Adopt rules consistent with this chapter and with
302 16 chapter 147 which are necessary for the performance of its
302 17 duties.
302 18 2. Act on matters concerning licensure and the process of
302 19 applying for, granting, suspending, imposing supervisory or
302 20 probationary conditions upon, reinstating, and revoking a
302 21 license.
302 22 3. Establish and collect licensure fees. The board shall
302 23 establish the amounts of license and renewal fees based upon
302 24 the actual costs of sustaining the board and the actual costs
302 25 of issuing the licenses, and all fees collected shall be
302 26 deposited with the treasurer of state who shall deposit them
302 27 in the general fund of the state.
302 28 4. Administer the provisions of this chapter regarding
302 29 documentation required to demonstrate competence as an
302 30 interpreter, and the processing of applications for licenses
302 31 and license renewals.
302 32 5. Establish and maintain as a matter of public record a
302 33 registry of interpreters licensed pursuant to this chapter.
302 34 6. Develop continuing education requirements as a
302 35 condition of license renewal.
303 1 7. Evaluate requirements for licensure in other states to
303 2 determine if reciprocity may be granted.
303 3 Sec. 428. NEW SECTION. 154E.3 REQUIREMENTS FOR
303 4 LICENSURE.
303 5 On or after July 1, 2005, every person providing
303 6 interpreting or transliterating services in this state shall
303 7 be licensed pursuant to this chapter. The board shall adopt
303 8 rules pursuant to chapters 17A, 147, and 272C establishing
303 9 procedures for the licensing of new and existing interpreters.
303 10 Prior to obtaining licensure, an applicant shall successfully
303 11 pass an examination prescribed and approved by the board,
303 12 demonstrating the following:
303 13 1. VOICE-TO-SIGN INTERPRETATION. An applicant shall
303 14 demonstrate proficiency at:
303 15 a. Message equivalence, producing a true and accurate
303 16 signed form of the spoken message, maintaining the integrity
303 17 of content and meaning, and exhibiting few omissions,
303 18 substitutions, or other errors.
303 19 b. Affect, producing nonmanual grammar consistent with the
303 20 intent and emotion of the speaker, and exhibiting no
303 21 distracting mannerisms.
303 22 c. Vocabulary choice, making correct sign choices
303 23 appropriate to the setting and consumers, applying facial
303 24 grammar consistent with sign choice, selecting signs that
303 25 remain true to speaker's intent, and demonstrating lexical
303 26 variety.
303 27 d. Fluency, displaying confidence in production,
303 28 exhibiting a strong command of American sign language or
303 29 manual codes for English, applying nonmanual behaviors
303 30 consistent with the speaker's intent, and demonstrating
303 31 understanding of and sensitivity to cultural differences.
303 32 2. SIGN-TO-VOICE INTERPRETATION. An applicant shall
303 33 demonstrate proficiency at:
303 34 a. Message equivalence, producing a true and accurate
303 35 spoken form of the signed message, maintaining the integrity

1 of content and meaning, and exhibiting few omissions,
 2 substitutions, or other errors.
 3 b. Affect, producing inflection consistent with the intent
 4 and emotion of the speaker, and exhibiting no distracting
 5 mannerisms.
 6 c. Vocabulary choice, making correct word choices
 7 appropriate to the setting and consumers, using vocal
 8 inflection consistent with word choice, selecting words that
 9 remain true to the speaker's intent, and demonstrating lexical
 10 variety.
 11 d. Fluency, displaying confidence in production,
 12 exhibiting a strong command of English in both spoken and
 13 written forms, applying vocal inflections consistent with the
 14 speaker's intent, and demonstrating understanding of and
 15 sensitivity to cultural differences.

3. PROFESSIONAL CONDUCT. An applicant shall demonstrate:
 a. Proficiency in functioning as a communicator of
 messages between the sender and receiver, and educating
 consumers of services about the functions and logistics of the
 interpreting process.
 b. An impartial demeanor, refraining from interjecting
 opinions or advice and from aligning with one party over
 another. An applicant shall treat all people fairly and
 respectfully regardless of their relationship to the
 interpreting assignment, and present a professional appearance
 that is not visually distracting and is appropriate to the
 setting. An applicant shall exhibit knowledge and application
 of federal and state laws pertaining to the interpreting
 profession.
 c. Integrity, and shall be proficient in understanding and
 applying ethical behavior appropriate for a licensee. An
 applicant shall demonstrate discretion in accepting and
 meeting interpreter services requests, and shall engage
 actively in lifelong learning.

Sec. 429. NEW SECTION. 154E.4 EXCEPTIONS.
 1. A person shall not practice interpreting or
 transliterating, or represent oneself to be an interpreter,
 unless the person is licensed under this chapter.
 2. This chapter does not prohibit any of the following:
 a. Any person residing outside of the state of Iowa
 holding a current license from another state that meets the
 state of Iowa's requirements from providing interpreting or
 transliterating services in this state for up to fourteen days
 per calendar year without a license issued pursuant to this
 chapter.
 b. Any person who interprets or transliterates solely in a
 religious setting with the exception of those working in
 schools that receive government funding.
 c. Volunteers working without compensation, including
 emergency situations, until a licensed interpreter is
 obtained.
 d. Any person working as a substitute for a licensed
 interpreter in an early childhood, elementary, or secondary
 education setting for no more than thirty school days in a
 calendar year.

Sec. 430. Section 272C.1, subsection 6, Code 2003, is
 amended by adding the following new paragraph:
NEW PARAGRAPH. ad. The board of interpreter for the
 hearing impaired examiners, created pursuant to chapter 154E.

Sec. 431. INTERPRETER STANDARDS AND REGULATIONS. There is
 appropriated from the general fund of the state to the Iowa
 department of public health, for the fiscal year beginning
 July 1, 2004, and ending June 30, 2005, the following amount,
 or so much thereof as is necessary, for the purpose
 designated:

For protecting the health and safety of the public through	
establishing standards and enforcing regulations of	
interpreters for the deaf, hard-of-hearing, and hearing	
impaired, and for not more than the following full-time	
equivalent positions:	
1	\$ 60,390
2	FTEs 1.00

Sec. 432. TRANSITION PROVISIONS.
 1. The board of interpreter for the hearing impaired
 examiners shall be provisionally established as provided in
 section 147.14, as amended in this division of this Act,
 effective July 1, 2004, for the sole purpose of appointment of
 members and organizing, planning, and adopting rules, as
 described in section 154E.2, as enacted in this division of
 this Act, which rules shall be effective July 1, 2005. The
 board shall become fully operational July 1, 2007, as provided

306 12 in this division of this Act.

306 13 2. Applicants for licensure under chapter 154E who have
306 14 not passed a licensure examination approved by the board by
306 15 July 1, 2005, shall be issued a temporary license to practice
306 16 interpreting for a period of two years, commencing on July 1,
306 17 2005.

306 18 3. Applicants issued a temporary license pursuant to this
306 19 section shall pass a licensure examination approved by the
306 20 board on or before July 1, 2007, in order to remain licensed
306 21 as an interpreter.

306 22 Sec. 433. EFFECTIVE DATE. This division of this Act
306 23 providing for the licensing of interpreters by amending
306 24 chapters 147 and 272C and enacting chapter 154E takes effect
306 25 July 1, 2005.

306 26 DIVISION XXII

306 27 INCOME TAX CHECKOFFS

306 28 Sec. 434. NEW SECTION. 100B.13 VOLUNTEER FIRE FIGHTER
306 29 PREPAREDNESS FUND.

306 30 1. A volunteer fire fighter preparedness fund is created
306 31 as a separate and distinct fund in the state treasury under
306 32 the control of the division of fire protection of the
306 33 department of public safety.

306 34 2. Revenue for the volunteer fire fighter preparedness
306 35 fund shall include, but is not limited to, the following:

307 1 a. Moneys credited to the fund pursuant to section
307 2 422.12F.

307 3 b. Moneys in the form of a devise, gift, bequest,
307 4 donation, or federal or other grant intended to be used for
307 5 the purposes of the fund.

307 6 3. Moneys in the volunteer fire fighter preparedness fund
307 7 are not subject to section 8.33. Notwithstanding section
307 8 12C.7, subsection 2, interest or earnings on moneys in the
307 9 fund shall be credited to the fund.

307 10 4. Moneys in the volunteer fire fighter preparedness fund
307 11 are appropriated to the division of fire protection of the
307 12 department of public safety to be used annually to pay the
307 13 costs of providing volunteer fire fighter training around the
307 14 state and to pay the costs of providing volunteer fire
307 15 fighting equipment.

307 16 Sec. 435. Section 314.28, Code 2003, is reenacted to read
307 17 as follows:

307 18 314.28 KEEP IOWA BEAUTIFUL FUND.

307 19 A keep Iowa beautiful fund is created in the office of the
307 20 treasurer of state. The fund is composed of moneys
307 21 appropriated or available to and obtained or accepted by the
307 22 treasurer of state for deposit in the fund. The fund shall
307 23 include moneys credited to the fund as provided in section
307 24 422.12A. All interest earned on moneys in the fund shall be
307 25 credited to and remain in the fund. Section 8.33 does not
307 26 apply to moneys in the fund.

307 27 Moneys in the fund are subject to appropriation by the
307 28 general assembly annually for the purposes of educating and
307 29 encouraging Iowans to take greater responsibility for
307 30 improving their community environment and enhancing the beauty
307 31 of the state through litter prevention, improving waste
307 32 management and recycling efforts, and beautification projects.

307 33 The department may authorize payment of moneys appropriated
307 34 from the fund to the department upon approval of an
307 35 application from a private or public organization. The
308 1 applicant shall submit a plan for litter prevention, improving
308 2 waste management and recycling efforts, or a beautification
308 3 project along with its application. The department shall
308 4 establish standards relating to the type of projects available
308 5 for assistance.

308 6 Sec. 436. Section 422.12A, Code Supplement 2003, is
308 7 reenacted to read as follows:

308 8 422.12A INCOME TAX REFUND CHECKOFF FOR KEEP IOWA BEAUTIFUL
308 9 FUND.

308 10 1. A person who files an individual or a joint income tax
308 11 return with the department of revenue under section 422.13 may
308 12 designate one dollar or more to be paid to the keep Iowa
308 13 beautiful fund as created in section 314.28. If the refund
308 14 due on the return or the payment remitted with the return is
308 15 insufficient to pay the additional amount designated by the
308 16 taxpayer to the keep Iowa beautiful fund, the amount
308 17 designated shall be reduced to the remaining amount of refund
308 18 or the remaining amount remitted with the return. The
308 19 designation of a contribution to the keep Iowa beautiful fund
308 20 under this section is irrevocable.

308 21 2. The director of revenue shall draft the income tax form
308 22 to allow the designation of contributions to the keep Iowa

308 23 beautiful fund on the tax return. The department of revenue,
308 24 on or before January 31, shall certify the total amount
308 25 designated on the tax return forms due in the preceding
308 26 calendar year and shall report the amount to the treasurer of
308 27 state. The treasurer of state shall credit the amount to the
308 28 keep Iowa beautiful fund. However, before a checkoff pursuant
308 29 to this section shall be permitted, all liabilities on the
308 30 books of the department of revenue and accounts identified as
308 31 owing under section 421.17 and the political contribution
308 32 allowed under section 68A.601 shall be satisfied.

308 33 3. Moneys in the fund are subject to appropriation as
308 34 provided in section 314.28.

308 35 4. The department of revenue shall adopt rules to
309 1 administer this section.

309 2 5. This section is subject to repeal under section
309 3 422.12E.

309 4 Sec. 437. Section 422.12E, Code Supplement 2003, is
309 5 amended to read as follows:

309 6 422.12E INCOME TAX RETURN CHECKOFFS LIMITED.

309 7 For tax years beginning on or after January 1, ~~1995~~ 2004,
309 8 there shall be allowed no more than ~~three~~ four income tax
309 9 return checkoffs on each income tax return. When the same
309 10 ~~three~~ four income tax return checkoffs have been provided on
309 11 the income tax return for ~~three~~ two consecutive years, the
309 12 ~~checkoff two checkoffs~~ for which the least amount has been
309 13 contributed, in the aggregate for the first ~~two~~ tax years year
309 14 and through March 15 of the ~~third~~ second tax year, ~~shall be~~
309 15 ~~are~~ repealed. This section does not apply to the income tax
309 16 return checkoff provided in section 68A.601.

309 17 If more checkoffs are enacted in the same session of the
309 18 general assembly than there is space for inclusion on the
309 19 individual tax return form, the earliest enacted checkoffs for
309 20 which there is space for inclusion on the return form shall be
309 21 included on the return form, and all other checkoffs enacted
309 22 during that session of the general assembly are repealed.

309 23 Sec. 438. NEW SECTION. 422.12F INCOME TAX CHECKOFF FOR
309 24 VOLUNTEER FIRE FIGHTER PREPAREDNESS.

309 25 1. A person who files an individual or a joint income tax
309 26 return with the department of revenue under section 422.13 may
309 27 designate one dollar or more to be paid to the volunteer fire
309 28 fighter preparedness fund as created in section 100B.13. If
309 29 the refund due on the return or the payment remitted with the
309 30 return is insufficient to pay the additional amount designated
309 31 by the taxpayer to the volunteer fire fighter preparedness
309 32 fund, the amount designated shall be reduced to the remaining
309 33 amount of refund or the remaining amount remitted with the
309 34 return. The designation of a contribution to the volunteer
309 35 fire fighter preparedness fund under this section is

310 1 irrevocable.
310 2 2. The director of revenue shall draft the income tax form
310 3 to allow the designation of contributions to the volunteer
310 4 fire fighter preparedness fund on the tax return. The
310 5 department of revenue, on or before January 31, shall certify
310 6 the total amount designated on the tax return forms due in the
310 7 preceding calendar year and shall report the amount to the
310 8 treasurer of state. The treasurer of state shall credit the
310 9 amount to the volunteer fire fighter preparedness fund.
310 10 However, before a checkoff pursuant to this section shall be
310 11 permitted, all liabilities on the books of the department of
310 12 revenue and accounts identified as owing under section 421.17
310 13 and the political contribution allowed under section 68A.601
310 14 shall be satisfied.

310 15 3. The department of revenue shall adopt rules to
310 16 administer this section.

310 17 4. This section is subject to repeal under section
310 18 422.12E.

310 19 Sec. 439. EFFECTIVE AND APPLICABILITY DATES.

310 20 1. The section of this division of this Act amending
310 21 section 422.12E, being deemed of immediate importance, takes
310 22 effect upon enactment.

310 23 2. The sections of this division of this Act reenacting
310 24 section 422.12A and enacting section 422.12F apply
310 25 retroactively to tax years beginning on or after January 1,
310 26 2004.

310 27 DIVISION XXIII

310 28 STATE TAX IMPLEMENTATION COMMITTEE

310 29 Sec. 440. STATE TAX IMPLEMENTATION COMMITTEE.

310 30 1. On or before July 1, 2004, the department of revenue,
310 31 in consultation with the department of management, shall
310 32 initiate and coordinate the establishment of a state tax
310 33 implementation committee. The department of revenue and the

310 34 department of management shall provide staffing assistance to
310 35 the committee.

311 1 The state tax implementation committee shall include four
311 2 members of the general assembly, one each appointed by the
311 3 majority leader of the senate, the speaker of the house of
311 4 representatives, the minority leader of the senate, and the
311 5 minority leader of the house of representatives. The
311 6 committee shall also include members appointed by the
311 7 department of revenue. One member shall be appointed to
311 8 represent each of the following:

- 311 9 a. The department of revenue.
- 311 10 b. The department of management.
- 311 11 c. Counties.
- 311 12 d. Cities.
- 311 13 e. School districts.
- 311 14 f. Local assessors.
- 311 15 g. County auditors.
- 311 16 h. Commercial property taxpayers.
- 311 17 i. Industrial property taxpayers.
- 311 18 j. Residential property taxpayers.
- 311 19 k. Agricultural property taxpayers.
- 311 20 l. Chapter 437A taxpayers.

311 21 One additional stakeholder shall be appointed jointly by
311 22 the majority leader of the senate and the speaker of the house
311 23 of representatives.

311 24 Any vacancy shall be filled in the same manner as regular
311 25 appointments are made.

311 26 The chairpersons of the committee shall be those members of
311 27 the general assembly appointed by the majority leader of the
311 28 senate and the speaker of the house of representatives.

311 29 The members of the committee representing the department of
311 30 revenue and the department of management are nonvoting, ex
311 31 officio members.

311 32 The committee shall meet quarterly and at other times as
311 33 necessary at the call of the chairpersons. Written notice of
311 34 the time and place of each meeting shall be given to each
311 35 member of the committee. The only vote taken by the committee
312 1 shall be the vote approving the final report in subsection 2.

312 2 2. The committee shall review and analyze the following:

- 312 3 a. Revenue sources available to local governments and
312 4 school districts, including taxes, payments in lieu of
312 5 property taxes, fees, state appropriations, and federal
312 6 moneys.
- 312 7 b. Revenue sources available to the state, including
312 8 taxes, fees, and federal moneys, and the portion of state
312 9 revenues annually appropriated, or otherwise disbursed, to
312 10 local governments.
- 312 11 c. Exemptions, credits, deductions, exclusions, and other
312 12 reductions in state or local taxes made available, by state
312 13 statute or local ordinance, to state and local taxpayers; and
312 14 state reimbursement of any property tax credits and
312 15 exemptions.

312 16 d. Services provided by local governments, including those
312 17 provided at the discretion of a local government and those
312 18 mandated by federal or state statutes and regulations.

312 19 e. The role of property taxes in funding local government
312 20 services, the types of services currently funded by property
312 21 taxes, and the property tax financing portion of the school
312 22 funding formula.

312 23 f. Alternative systems of property taxation, alternative
312 24 procedures for protesting property assessments, and various
312 25 methods of controlling property tax revenues and expenditures.

312 26 In conducting its review and analysis, the committee shall
312 27 study state and local taxes from the standpoint of neutrality;
312 28 competitiveness; simplicity; stability; and equity, including
312 29 maintenance of equity among classes of taxpayers and among
312 30 taxpayers within the same class.

312 31 The committee may hold public hearings to allow persons and
312 32 organizations to be heard.

312 33 The committee shall submit a final report to the general
312 34 assembly no later than final adjournment of the 2005 regular
312 35 legislative session. The report shall summarize the

313 1 committee's activities to date, analyze issues studied to
313 2 date, and may include such other information that the
313 3 committee deems relevant and necessary.

313 4 3. The committee may request from any state agency or
313 5 official the information and assistance as needed to perform
313 6 the review and analysis required in subsection 2. A state
313 7 agency or official shall furnish the information or assistance
313 8 requested within the authority and resources of the state
313 9 agency or official. This subsection does not allow the

313 10 examination or copying of any public record required by law to
313 11 be kept confidential.
313 12 Sec. 441. FUTURE REPEAL. The section of this division of
313 13 this Act establishing the state tax implementation committee
313 14 is repealed effective June 30, 2005.
313 15 Sec. 442. 2003 Iowa Acts, First Extraordinary Session,
313 16 chapter 1, section 41, is repealed.
313 17 Sec. 443. EFFECTIVE DATE. This division of this Act,
313 18 being deemed of immediate importance, takes effect upon
313 19 enactment.

313 20 DIVISION XXIV
313 21 911 EMERGENCY

313 22 Sec. 444. Section 34A.1, Code 2003, is amended to read as
313 23 follows:

313 24 34A.1 PURPOSE.

313 25 The ~~legislature~~ general assembly finds that enhanced 911
313 26 emergency telephone communication systems and other emergency
313 27 911 notification devices further the public interest and
313 28 protect the health, safety, and welfare of the people of Iowa.
313 29 The purpose of this chapter is to enable the orderly
313 30 development, installation, and operation of enhanced 911
313 31 emergency telephone communication systems and other emergency
313 32 911 notification devices statewide. These systems are to be
313 33 operated under governmental management and control for the
313 34 public benefit.

313 35 Sec. 445. Section 34A.2, Code 2003, is amended to read as
314 1 follows:

314 2 34A.2 DEFINITIONS.

314 3 As used in this chapter, unless the context otherwise
314 4 requires:

314 5 1. "Access line" means ~~a local~~ an exchange access line
314 6 that has the ability to access ~~local~~ dial tone and reach a
314 7 ~~local~~ public safety ~~agency~~ answering point.

314 8 2. "Administrator" means the ~~E911~~ administrator appointed
314 9 pursuant to section 34A.2A of the homeland security and
314 10 emergency management division of the department of public
314 11 defense.

314 12 3. "Competitive local exchange service provider" means the
314 13 same as defined in section 476.96.

314 14 4. "Emergency 911 notification device" means a product
314 15 capable of accessing a public safety answering point through
314 16 the 911 system.

314 17 ~~3- 5.~~ "Enhanced 911" or "E911" means a service ~~which that~~
314 18 provides the user of a ~~public telephone system communications~~
314 19 service with the ability to reach a public safety answering
314 20 point by dialing the digits 911, and which that has the
314 21 following additional features:

314 22 a. Routes an incoming 911 call to the appropriate public
314 23 safety answering point ~~selected from the public safety~~
314 24 ~~answering points operating in a 911 service area~~.

314 25 b. Automatically provides voice, displays the name,
314 26 address or location, and telephone number of an incoming 911
314 27 call and public safety agency servicing the ~~address on a video~~
314 28 ~~monitor at the appropriate public safety answering point~~
314 29 location.

314 30 ~~4- 6.~~ "Enhanced 911 service area" means the geographic
314 31 area to be serviced, or currently serviced under an enhanced
314 32 911 service plan, provided that an enhanced 911 service area
314 33 must at minimum encompass one entire county. The enhanced 911
314 34 service area may encompass more than one county, and need not
314 35 be restricted to county boundaries.

315 1 ~~5- 7.~~ "Enhanced 911 service plan" means a plan that
315 2 includes the following information:

315 3 a. A description of the enhanced 911 service area.

315 4 b. A list of all public and private safety agencies within
315 5 the enhanced 911 service area.

315 6 c. The number of public safety answering points within the
315 7 enhanced 911 service area.

315 8 d. Identification of the agency responsible for management
315 9 and supervision of the enhanced 911 emergency ~~telephone~~
315 10 communication system.

315 11 e. A statement of estimated costs to be incurred by the
315 12 joint E911 service board or the department of public safety,
315 13 including separate estimates of the following:

315 14 (1) Nonrecurring costs, including, but not limited to,
315 15 public safety answering points, network equipment, software,
315 16 database, addressing, initial training, and other capital and
315 17 start-up expenditures, including the purchase or lease of
315 18 subscriber names, addresses, and telephone information from
315 19 the local exchange service provider.

315 20 (2) Recurring costs, including, but not limited to,

315 21 network access fees and other telephone charges, software,
315 22 equipment, and database management, and maintenance, including
315 23 the purchase or lease of subscriber names, addresses, and
315 24 telephone information from the local exchange service
315 25 provider. Recurring costs shall not include personnel costs
315 26 for a public safety answering point.

315 27 Funds deposited in an E911 service fund ~~shall be~~ are
315 28 appropriated and shall be used for the payment of costs ~~which~~
315 29 that are limited to nonrecurring and recurring costs directly
315 30 attributable to the provision of 911 emergency telephone
315 31 communication service and may include costs for portable and
315 32 vehicle radios, communication towers and associated equipment,
315 33 and other radios and associated equipment permanently located
315 34 at the public safety answering point and as directed by either
315 35 the joint E911 service board or the department of public
316 1 safety. Costs do not include expenditures for any other
316 2 purpose, and specifically exclude costs attributable to other
316 3 emergency services or expenditures for buildings or personnel,
316 4 except for the costs of personnel for database management and
316 5 personnel directly associated with addressing.

316 6 f. Current equipment operated by affected local exchange
316 7 service providers, and central office equipment and technology
316 8 upgrades necessary for the provider to implement enhanced 911
316 9 service within the enhanced 911 service area ~~on or before July~~
316 10 ~~1, 1992~~.

316 11 g. A schedule for implementation of the plan throughout
316 12 the E911 service area. The schedule may provide for phased
316 13 implementation. ~~However, a joint 911 service board may decide~~
316 14 ~~not to implement E911 service.~~

316 15 h. The number of telephone access lines capable of access
316 16 to 911 in the enhanced 911 service area.

316 17 i. The total property valuation in the enhanced 911
316 18 service area.

316 19 ~~6. "Enhanced 911 service surcharge" is a charge set by the~~
316 20 ~~E911 service area operating authority and assessed on each~~
316 21 ~~access line which physically terminates within the E911~~
316 22 ~~service area.~~

316 23 ~~8. "Local exchange carrier" means the same as defined in~~
316 24 ~~section 476.96.~~

316 25 ~~7- 9. "Local exchange service provider" means a person~~
316 26 ~~vendor engaged in providing telecommunications service between~~
316 27 ~~points within an exchange and includes but is not limited to a~~
316 28 ~~competitive local exchange service provider and a local~~
316 29 ~~exchange carrier.~~

316 30 ~~10. "Program manager" means the E911 program manager~~
316 31 ~~appointed pursuant to section 34A.2A.~~

316 32 ~~8- 11. "Provider" means a person vendor who provides, or~~
316 33 ~~offers to provide, E911 equipment, installation, maintenance,~~
316 34 ~~or exchange access services within the enhanced 911 service~~
316 35 ~~area.~~

317 1 ~~9- 12. "Public or private safety agency" means a unit of~~
317 2 ~~state or local government, a special purpose district, or a~~
317 3 ~~private firm which provides or has the authority to provide~~
317 4 ~~fire fighting, police, ambulance, or emergency medical~~
317 5 ~~services, or hazardous materials response.~~

317 6 ~~10- 13. "Public safety answering point" means a twenty-~~
317 7 ~~four hour local jurisdiction twenty-four-hour public safety~~
317 8 ~~communications facility which that receives enhanced 911~~
317 9 ~~service calls and directly dispatches emergency response~~
317 10 ~~services or relays calls to the appropriate public or private~~
317 11 ~~safety agency.~~

317 12 ~~14. "Wireless E911 phase 1" means a 911 call made from a~~
317 13 ~~wireless device in which the wireless service provider~~
317 14 ~~delivers the call-back number and address of the tower that~~
317 15 ~~received the call to the appropriate public safety answering~~
317 16 ~~point.~~

317 17 ~~15. "Wireless E911 phase 2" means a 911 call made from a~~
317 18 ~~wireless device in which the wireless service provider~~
317 19 ~~delivers the call-back number and the latitude and longitude~~
317 20 ~~coordinates of the wireless device to the appropriate public~~
317 21 ~~safety answering point.~~

317 22 ~~16. "Wire-line E911 service surcharge" is a charge set by~~
317 23 ~~the E911 service area operating authority and assessed on each~~
317 24 ~~wire-line access line which physically terminates within the~~
317 25 ~~E911 service area.~~

317 26 Sec. 446. Section 34A.2A, Code 2003, is amended to read as
317 27 follows:

317 28 34A.2A ADMINISTRATOR PROGRAM MANAGER == APPOINTMENT ==
317 29 DUTIES.

317 30 1. The administrator of the division of homeland security
317 31 and emergency management division of the department of public

317 32 defense shall appoint an E911 ~~administrator~~ program manager to
317 33 administer this chapter.

317 34 2. The E911 ~~administrator~~ program manager shall act under
317 35 the supervisory control of the administrator of the ~~division~~
~~318 1 of homeland security and~~ emergency management division of the
318 2 department of public defense, and in consultation with the
318 3 E911 communications council, and perform the duties
318 4 specifically set forth in this chapter and as assigned by the
~~318 5 administrator.~~

318 6 Sec. 447. Section 34A.3, Code 2003, is amended to read as
318 7 follows:

318 8 34A.3 JOINT ~~911~~ E911 SERVICE BOARD == 911 SERVICE PLAN ==
318 9 IMPLEMENTATION == WAIVERS.

318 10 1. JOINT ~~911~~ E911 SERVICE BOARDS ~~TO SUBMIT~~ == PLANS.

318 11 a. The board of supervisors of each county shall ~~establish~~
318 12 maintain a joint ~~911~~ E911 service board ~~not later than January~~
~~318 13 1, 1989.~~

318 14 (1) Each political subdivision of the state having a
318 15 public safety agency serving territory within the county is
318 16 entitled to voting membership on the joint ~~911~~ E911 service
318 17 board. Each private safety agency operating within the area
318 18 is entitled to nonvoting membership on the board.

318 19 (2) A township ~~which that~~ does not operate its own public
318 20 safety agency, but contracts for the provision of public
318 21 safety services, is not entitled to membership on the joint
318 22 ~~911~~ E911 service board, but its contractor is entitled to
318 23 membership according to the contractor's status as a public or
318 24 private safety agency.

318 25 b. The joint ~~911~~ E911 service board shall ~~develop~~ maintain
318 26 an enhanced 911 service plan encompassing at minimum the
318 27 entire county, unless an exemption is granted by the
318 28 ~~administrator~~ program manager permitting a smaller E911
318 29 service area.

318 30 (1) The ~~administrator~~ program manager may grant a
318 31 discretionary exemption from the single county minimum service
318 32 area requirement based upon ~~an E911~~ a joint E911 service
318 33 board's or other E911 service plan operating authority's
318 34 presentation of evidence which supports the requested
318 35 exemption if the ~~administrator~~ program manager finds that
319 1 local conditions make adherence to the minimum standard
319 2 unreasonable or technically infeasible, and that the purposes
319 3 of this chapter would be furthered by granting an exemption.
319 4 The minimum size requirement is intended to prevent
319 5 unnecessary duplication of public safety answering points and
319 6 minimize other administrative, personnel, and equipment
319 7 expenses. ~~An E911 service area must encompass a~~
~~319 8 geographically contiguous area. No exemption shall be granted~~
~~319 9 from the contiguous area requirement.~~

319 10 (2) The ~~administrator~~ program manager may order the
319 11 inclusion of a specific territory in an adjoining E911 service
319 12 plan area to avoid the creation by exclusion of a territory
319 13 smaller than a single county not serviced by surrounding E911
319 14 service plan areas upon request of the joint ~~911~~ E911 service
319 15 board representing the territory.

319 16 c. The E911 service plan operating authority shall submit
319 17 ~~proposed changes to the plan on or before January 1, 1994, to~~
319 18 all of the following:

319 19 a. (1) The ~~administrator~~ program manager.

319 20 b. (2) Public and private safety agencies in the enhanced
319 21 911 service area.

319 22 c. (3) ~~Providers~~ Local exchange service providers affected
319 23 by the enhanced 911 service plan.

319 24 ~~An E911 joint service board that has a state-approved~~
319 25 ~~service plan in place prior to July 1, 1993, is exempt from~~
319 26 ~~the provisions of this section. The administrator shall~~
319 27 ~~establish, by July 1, 1994, E911 service plans for those E911~~
319 28 ~~joint service boards which do not have a state-approved~~
319 29 ~~service plan in place on or before January 1, 1994.~~

319 30 ~~The administrator shall prepare a summary of the plans~~
319 31 ~~submitted and present the summary to the legislature on or~~
~~319 32 before August 1, 1994.~~

319 33 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED CIRCUMSTANCES.

319 34 a. The ~~administrator~~ program manager may extend, ~~in whole~~
319 35 ~~or in part, the time period for plan implementation by issuing~~
320 1 ~~for implementation of an enhanced 911 service plan beyond the~~
320 2 ~~scheduled plan of implementation, by issuance of a compliance~~
320 3 ~~waiver.~~

320 4 b. The compliance waiver shall be based upon a joint ~~911~~
320 5 E911 service board's presentation of evidence which supports
320 6 an extension if the ~~administrator~~ program manager finds that
320 7 local conditions make implementation financially unreasonable

320 8 or technically infeasible by the originally scheduled plan of
320 9 implementation.

320 10 c. The compliance waiver shall be for a set period of
320 11 time, and subject to review and renewal or denial of renewal
320 12 upon its expiration.

320 13 d. The waiver may cover all or a portion of a 911 service
320 14 plan's enhanced 911 service area to facilitate phased
320 15 implementation when possible.

320 16 e. The granting of a compliance waiver does not create a
320 17 presumption that the identical or similar waiver will be
320 18 extended in the future.

320 19 f. Consideration of compliance waivers shall be on a case=
320 20 by-case basis.

320 21 3. CHAPTER 28E AGREEMENT == ALTERNATIVE TO JOINT ~~911~~ E911
320 22 SERVICE BOARD. A legal entity created pursuant to chapter 28E
320 23 by a county or counties, other political divisions, and public
320 24 or private agencies to jointly plan, implement, and operate a
320 25 countywide, or larger, enhanced 911 service system may be
320 26 substituted for the joint ~~911~~ E911 service board required
320 27 under subsection 1.

320 28 An alternative legal entity created pursuant to chapter 28E
320 29 as a substitute for a joint ~~911~~ E911 service board, as
320 30 permitted by this subsection, may be created by either:

320 31 a. Agreement of the parties entitled to voting membership
320 32 on a joint ~~911~~ E911 service board.

320 33 b. Agreement of the members of a joint ~~911~~ E911 service
320 34 board.

320 35 An alternative chapter 28E entity has all of the powers of
321 1 a joint ~~911~~ E911 service board and any additional powers
321 2 granted by the agreement. As used in this chapter, "joint ~~911~~
321 3 E911 service board" includes an alternative chapter 28E entity
321 4 created for that purpose, except as specifically limited by
321 5 the chapter 28E agreement or unless clearly provided otherwise
321 6 in this chapter. A chapter 28E agreement related to E911
321 7 service shall permit the participation of a private safety
321 8 agency or other persons allowed to participate in a joint ~~911~~
321 9 E911 service board, but the terms, scope, and conditions of
321 10 participation are subject to the chapter 28E agreement.

321 11 4. PARTICIPATION IN JOINT E911 SERVICE BOARD REQUIRED. A
321 12 political subdivision or state agency having a public safety
321 13 agency within its territory or jurisdiction shall participate
321 14 in a joint E911 service board and cooperate in ~~preparing~~
321 15 maintaining the E911 service plan.

321 16 Sec. 448. Section 34A.4, Code 2003, is amended to read as
321 17 follows:

321 18 34A.4 ~~REQUIRED CONVERSION REQUIREMENTS OF PAY TELEPHONES~~
321 19 ~~AND OTHER TELECOMMUNICATIONS DEVICES TO ALLOW 911 CALLS~~
321 20 ~~WITHOUT DEPOSITING COINS OR OTHER CHARGE.~~

321 21 ~~1. CONVERSION AND NOTICE REQUIRED. When an enhanced 911~~
321 22 ~~service system becomes operational or as soon as feasible~~
321 23 ~~thereafter, each provider or other owner or lessee of a pay~~
321 24 ~~station telephone to be operated within the enhanced 911~~
321 25 ~~service area shall do the following:~~

321 26 ~~a. Convert each telephone to permit a caller to dial 911~~
321 27 ~~without first inserting a coin or paying any other charge.~~

321 28 ~~b. Prominently display on each pay telephone a notice~~
321 29 ~~advising callers to dial 911 in an emergency and that deposit~~
321 30 ~~of a coin is not required.~~

321 31 ~~2. CERTAIN PAY PHONES PROHIBITED WITHIN SERVICE AREA.~~
321 32 ~~After commencement of enhanced 911 service in In an enhanced~~
321 33 ~~911 service area, a person shall not install or offer for use~~
321 34 ~~within the enhanced 911 service area a pay station telephone~~
321 35 ~~or other fixed device unless the telephone or device is~~
322 1 ~~capable of accepting making a 911 call without prior insertion~~
322 2 ~~of a coin or payment of any other charge, and unless the~~
322 3 ~~telephone or device displays notice of free 911 service.~~

322 4 Sec. 449. Section 34A.6, subsection 1, unnumbered
322 5 paragraph 1, Code 2003, is amended to read as follows:

322 6 Before a joint E911 service board may request imposition of
322 7 the surcharge by the ~~administrator~~ program manager, the board
322 8 shall submit the following question to voters, as provided in
322 9 subsection 2, in the proposed E911 service area, and the
322 10 question shall receive a favorable vote from a simple majority
322 11 of persons submitting valid ballots on the following question
322 12 within the proposed E911 service area:

322 13 Sec. 450. Section 34A.7, unnumbered paragraph 1, Code
322 14 2003, is amended to read as follows:

322 15 When an E911 service plan is implemented, the costs of
322 16 providing E911 service within an E911 service area are the
322 17 responsibility of the joint E911 service board and the member
322 18 political subdivisions. Costs in excess of the amount raised

322 19 by imposition of the E911 service surcharge provided for under
322 20 subsection 1, shall be paid by the joint E911 service board
322 21 from such revenue sources allocated among the member political
322 22 subdivisions as determined by the joint E911 service board.
322 23 Funding is not limited to the surcharge, and surcharge
322 24 revenues may be supplemented by other permissible local and
322 25 state revenue sources. A joint ~~911~~ E911 service board shall
322 26 not commit a political subdivision to appropriate property tax
322 27 revenues to fund an E911 service plan without the consent of
322 28 the political subdivision. A joint ~~911~~ E911 service board may
322 29 approve ~~a 911~~ an E911 service plan, including a funding
322 30 formula requiring appropriations by participating political
322 31 subdivisions, subject to the approval of the funding formula
322 32 by each political subdivision. However, a political
322 33 subdivision may agree in advance to appropriate property tax
322 34 revenues or other moneys according to a formula or plan
322 35 developed by an alternative chapter 28E entity.

323 1 Sec. 451. Section 34A.7, subsections 1, 2, 3, and 4, Code
323 2 2003, are amended to read as follows:

323 3 1. LOCAL WIRE=LINE E911 SERVICE SURCHARGE IMPOSITION.

323 4 a. To encourage local implementation of E911 service, one
323 5 source of funding for E911 emergency telephone communication
323 6 systems shall come from a surcharge per month, per access line
323 7 on each access line subscriber, except as provided in
323 8 subsection 5, equal to the lowest amount of the following:

323 9 (1) One dollar.

323 10 (2) An amount less than one dollar, which would fully pay
323 11 both recurring and nonrecurring costs of the E911 service
323 12 system within five years from the date the maximum surcharge
323 13 is imposed.

323 14 (3) The maximum monetary limitation approved by
323 15 referendum.

323 16 b. The surcharge shall be imposed by order of the
323 17 ~~administrator~~ program manager as follows:

323 18 (1) The ~~administrator~~ program manager shall notify a local
323 19 exchange service provider scheduled to provide exchange access
323 20 line service to an E911 service area, that implementation of
323 21 an E911 service plan has been approved by the joint ~~911~~ E911
323 22 service board and by the service area referendum, and that
323 23 collection of the surcharge is to begin within one hundred
323 24 days.

323 25 (2) ~~The notice shall be provided at least one hundred days~~
323 26 ~~before the surcharge must be billed for the first time~~ program
323 27 manager shall also provide notice to all affected public
323 28 safety answering points.

323 29 c. ~~The surcharge shall terminate at the end of twenty-four~~
323 30 ~~months, unless either, or both, of the following conditions is~~
323 31 ~~met:~~

323 32 (1) ~~E911 service is initiated for all or a part of the~~
323 33 ~~E911 service area.~~

323 34 (2) ~~An extension is granted by the administrator for good~~
323 35 ~~cause.~~

324 1 d. ~~The surcharge shall terminate at the end of twenty-four~~
324 2 ~~months if the joint E911 service plan has not been approved by~~
324 3 ~~the administrator within eighteen months of the original~~
324 4 ~~notice to the provider to impose the surcharge, and shall not~~
324 5 ~~be reimposed until a service plan is approved by the~~
324 6 ~~administrator and the administrator gives providers notice as~~
324 7 ~~required by paragraph "a", subparagraphs (1) and (2).~~

324 8 2. SURCHARGE COLLECTED BY LOCAL EXCHANGE SERVICE
324 9 PROVIDERS.

324 10 a. The surcharge shall be collected as part of the access
324 11 line service provider's periodic billing to a subscriber. In
324 12 compensation for the costs of billing and collection, the
324 13 local exchange service provider may retain one percent of the
324 14 gross surcharges collected. If the compensation is
324 15 insufficient to fully recover a local exchange service
324 16 provider's costs for billing and collection of the surcharge,
324 17 the deficiency shall be included in the local exchange service
324 18 provider's costs for ratemaking purposes to the extent it is
324 19 reasonable and just under section 476.6. The surcharge shall
324 20 be remitted to the E911 service operating authority for
324 21 deposit into the E911 service fund quarterly by the local
324 22 exchange service provider. The total amount for multiple
324 23 exchanges may be combined.

324 24 b. A local exchange service provider is not liable for an
324 25 uncollected surcharge for which the local exchange service
324 26 provider has billed a subscriber but not been paid. The
324 27 surcharge shall appear as a single line item on a subscriber's
324 28 periodic billing entitled, "E911 emergency telephone service
324 29 surcharge". The E911 service surcharge is not subject to

324 30 sales or use tax.
324 31 c. The joint E911 service board may request, not more than
324 32 once each quarter, the following information from the local
324 33 exchange service provider:
324 34 (1) The identity of the exchange from which the surcharge
324 35 is collected.
325 1 (2) The number of lines to which the surcharge was applied
325 2 for the quarter.
325 3 (3) The number of refusals to pay per exchange if
325 4 applicable.
325 5 (4) Write-offs applied per exchange if applicable.
325 6 (5) The number of lines exempt per exchange.
325 7 (6) The amount retained by the local exchange service
325 8 provider generated from the one percent administration fee.
325 9 d. Access line counts and surcharge remittances are
325 10 confidential public records as provided in section 34A.8.
325 11 3. MAXIMUM LIMIT PER SUBSCRIBER BILLING FOR SURCHARGE. An
325 12 individual subscriber shall not be required to pay on a single
325 13 periodic billing the surcharge on more than one hundred access
325 14 lines, or their equivalent, in an E911 service area. A
325 15 subscriber shall pay the surcharge in each E911 service area
325 16 in which the subscriber receives access line service.
325 17 4. E911 SERVICE FUND. Each joint E911 service board shall
325 18 establish and maintain as a separate account an E911 service
325 19 fund. Any funds remaining in the account at the end of each
325 20 fiscal year shall not revert to the general funds of the
325 21 member political subdivisions, except as provided in
325 22 subsection 5, but shall remain in the E911 service fund.
325 23 Moneys in an E911 service fund may only be used for
325 24 nonrecurring and recurring costs of the E911 service plan as
325 25 approved by the ~~administrator~~ program manager, as those terms
325 26 are defined by section 34A.2.
325 27 Sec. 452. Section 34A.7, subsection 5, paragraph b,
325 28 subparagraphs (2) and (3), Code 2003, are amended to read as
325 29 follows:
325 30 (2) If money remains in the fund after fully paying for
325 31 recurring costs incurred in the preceding year, the remainder
325 32 may be spent to pay for nonrecurring costs, not to exceed
325 33 actual nonrecurring costs as approved by the ~~administrator~~
325 34 program manager.
325 35 (3) If money remains in the fund after fully paying
326 1 obligations under subparagraphs (1) and (2), the remainder may
326 2 be accumulated in the fund as a carryover operating surplus.
326 3 If the surplus is greater than twenty-five percent of the
326 4 approved annual operating budget for the next year, the
326 5 ~~administrator~~ program manager shall reduce the surcharge by an
326 6 amount calculated to result in a surplus of no more than
326 7 twenty-five percent of the planned annual operating budget.
326 8 After nonrecurring costs have been paid, if the surcharge is
326 9 less than the maximum allowed and the fund surplus is less
326 10 than twenty-five percent of the approved annual operating
326 11 budget, the ~~administrator~~ program manager shall, upon
326 12 application of the joint E911 service board, increase the
326 13 surcharge in an amount calculated to result in a surplus of
326 14 twenty-five percent of the approved annual operating budget.
326 15 The surcharge may only be adjusted once in a single year, upon
326 16 one hundred days' prior notice to the provider.
326 17 Sec. 453. Section 34A.7A, subsection 1, Code 2003, is
326 18 amended to read as follows:
326 19 1. a. Notwithstanding section 34A.6, the administrator
326 20 shall adopt by rule a monthly surcharge of up to ~~fifty sixty=~~
326 21 five cents to be imposed on each wireless communications
326 22 service number provided in this state. The surcharge shall be
326 23 imposed uniformly on a statewide basis and simultaneously on
326 24 all wireless communications service numbers as provided by
326 25 rule of the administrator.
326 26 b. The ~~administrator~~ program manager shall provide no less
326 27 than one hundred days' notice of the surcharge to be imposed
326 28 to each wireless communications service provider. The
326 29 ~~administrator~~ program manager, subject to the ~~fifty sixty=~~
326 30 five cent limit in paragraph "a", may adjust the amount of the
326 31 surcharge as necessary, but no more than once in any calendar
326 32 year.
326 33 c. (1) The surcharge shall be collected as part of the
326 34 wireless communications service provider's periodic billing to
326 35 a subscriber. The surcharge shall appear as a single line
327 1 item on a subscriber's periodic billing indicating that the
327 2 surcharge is for E911 emergency telephone service. In the
327 3 case of prepaid wireless telephone service, this surcharge
327 4 shall be remitted based upon the address associated with the
327 5 point of purchase, the customer billing address, or the

327 6 location associated with the mobile telephone number for each
327 7 active prepaid wireless telephone that has a sufficient
327 8 positive balance as of the last days of the information, if
327 9 that information is available. The wireless E911 service
327 10 surcharge is not subject to sales or use tax.
327 11 (2) In compensation for the costs of billing and
327 12 collection, the wireless communications service provider may
327 13 retain one percent of the gross surcharges collected.
327 14 (3) The surcharges shall be remitted quarterly by the
327 15 wireless communications service provider to the ~~administrator~~
327 16 program manager for deposit into the fund established in
327 17 subsection 2.
327 18 (4) A wireless communications service provider is not
327 19 liable for an uncollected surcharge for which the wireless
327 20 communications service provider has billed a subscriber but
327 21 which has not been paid. ~~The surcharge shall appear as a~~
327 22 ~~single line item on a subscriber's periodic billing indicating~~
327 23 ~~that the surcharge is for E911 emergency telephone service.~~
327 24 ~~The E911 service surcharge is not subject to sales or use tax.~~
327 25 Sec. 454. Section 34A.7A, subsection 2, Code 2003, is
327 26 amended to read as follows:
327 27 2. Moneys collected pursuant to subsection 1 shall be
327 28 deposited in a separate wireless E911 emergency communications
327 29 fund within the state treasury under the control of the
327 30 ~~administrator~~ program manager. Section 8.33 shall not apply
327 31 to moneys in the fund. Moneys earned as income, including as
327 32 interest, from the fund shall remain in the fund until
327 33 expended as provided in this section. Moneys in the fund
327 34 shall be expended and distributed ~~annually as follows in the~~
327 35 ~~following priority order:~~
328 1 a. An amount as appropriated by the general assembly to
328 2 the administrator ~~shall be allocated to the administrator and~~
328 3 ~~program manager~~ for implementation, support, and maintenance
328 4 of the functions of the administrator ~~and program manager and~~
328 5 ~~to employ the auditor of state to perform an annual audit of~~
328 6 ~~the wireless E911 emergency communications fund.~~
328 7 b. The program manager shall allocate twenty-one percent
328 8 of the total amount of surcharge generated to wireless
328 9 carriers to recover their costs to deliver E911 phase 1
328 10 services. If the allocation in this paragraph is insufficient
328 11 to reimburse all wireless carriers for such carrier's eligible
328 12 expenses, the program manager shall allocate a prorated amount
328 13 to each wireless carrier equal to the percentage of such
328 14 carrier's eligible expenses as compared to the total of all
328 15 eligible expenses for all wireless carriers for the calendar
328 16 quarter during which such expenses were submitted. When
328 17 prorated expenses are paid, the remaining unpaid expenses
328 18 shall no longer be eligible for payment under this paragraph.
328 19 c. The program manager shall reimburse wire-line carriers
328 20 on a calendar quarter basis for carriers' eligible expenses
328 21 for transport costs between the selective router and the
328 22 public safety answering points related to the delivery of
328 23 wireless E911 phase 1 services.
328 24 ~~b. d. (1)~~ The ~~administrator~~ shall retain funds necessary
328 25 to reimburse wireless carriers for their costs to deliver E911
328 26 services. The administrator shall assure that wireless
328 27 carriers recover all eligible costs associated with the
328 28 implementation and operation of E911 services, including but
328 29 not limited to hardware, software, and transport costs. The
328 30 administrator shall adopt rules defining eligible costs which
328 31 are consistent with federal law, regulations, and any order of
328 32 a federal agency ~~program manager~~ shall reimburse wire-line
328 33 carriers and third-party E911 automatic location information
328 34 database providers on a calendar quarterly basis for the costs
328 35 of maintaining and upgrading the E911 components and
329 1 functionalities beyond the input to the E911 selective router,
329 2 including the E911 selective router and the automatic location
329 3 information database.
329 4 (2) The administrator shall provide for the reimbursement
329 5 of wireless carriers on a quarterly basis. If the total
329 6 amount of moneys available in the fund for the reimbursement
329 7 of wireless carriers pursuant to subparagraph (1) is
329 8 insufficient to reimburse all wireless carriers for such
329 9 carriers' eligible expenses, the administrator shall remit an
329 10 amount to each wireless carrier equal to the percentage of
329 11 such carrier's eligible expenses as compared to the total of
329 12 all eligible expenses for all wireless carriers for the
329 13 calendar quarter during which such expenses were submitted.
329 14 e. The program manager shall apply an amount up to five
329 15 hundred thousand dollars per calendar quarter to any
329 16 outstanding wireless E911 phase 1 obligations incurred

329 17 pursuant to this chapter prior to July 1, 2004.

329 18 f. (1) The program manager shall allocate an amount up to
329 19 one hundred fifty-nine thousand dollars per calendar quarter
329 20 equally to the joint E911 service boards and the department of
329 21 public safety that have submitted an annual written request to
329 22 the program manager in a form approved by the program manager
329 23 by May 15 of each year. The program manager shall allocate to
329 24 each joint E911 service board and to the department of public
329 25 safety a minimum of one thousand dollars per calendar quarter
329 26 for each public safety answering point within the service area
329 27 of the department of public safety or joint E911 service
329 28 board.

329 29 (2) Upon retirement of outstanding obligations referred to
329 30 in paragraph "e", the amount allocated under this paragraph
329 31 "f" shall be twenty-four percent of the total amount of
329 32 surcharge generated per calendar quarter allocated as follows:

329 33 (a) Sixty-five percent of the total dollars available for
329 34 allocation shall be allocated in proportion to the square
329 35 miles of the service area to the total square miles in this
330 1 state.

330 2 (b) Thirty-five percent of the total dollars available for
330 3 allocation shall be allocated in proportion to the wireless
330 4 E911 calls taken at the public safety answering point in the
330 5 service area to the total number of wireless E911 calls
330 6 originating in this state.

330 7 (c) Notwithstanding subparagraph subdivisions (a) and (b),
330 8 the minimum amount allocated to each joint E911 service board
330 9 and to the department of public safety shall be no less than
330 10 one thousand dollars for each public safety answering point
330 11 within the service area of the department of public safety or
330 12 joint E911 service board.

330 13 (3) The funds allocated in this paragraph "f" shall be
330 14 used for communication equipment located inside the public
330 15 safety answering points for the implementation and maintenance
330 16 of wireless E911 phase 2. The joint E911 service boards and
330 17 the department of public safety shall provide an estimate of
330 18 phase 2 implementation costs to the program manager by January
330 19 1, 2005.

330 20 c. (1) The remainder of the surcharge collected shall be
330 21 remitted to the administrator for distribution to the joint
330 22 E911 service boards and the department of public safety
330 23 pursuant to subparagraph (2) to be used for the implementation
330 24 of enhanced wireless communications capabilities.

330 25 g. If moneys remain in the fund after fully paying all
330 26 obligations under paragraphs "a" through "f", the remainder
330 27 may be accumulated in the fund as a carryover operating
330 28 surplus. This surplus shall be used to fund future phase 2
330 29 network and public safety answering point improvements and
330 30 wireless carriers' transport costs related to wireless E911
330 31 services, if those costs are not otherwise recovered by
330 32 wireless carriers through customer billing or other sources
330 33 and approved by the program manager. Notwithstanding section
330 34 8.33, any moneys remaining in the fund at the end of each
330 35 fiscal year shall not revert to the general fund of the state
331 1 but shall remain available for the purposes of the fund.

331 2 (2) h. The administrator, in consultation with the program
331 3 manager and the E911 communications council, shall adopt rules
331 4 pursuant to chapter 17A governing the distribution of the
331 5 surcharge collected and distributed pursuant to this lettered
331 6 paragraph subsection. The rules shall include provisions that
331 7 all joint E911 service boards and the department of public
331 8 safety which answer or service wireless E911 calls are
331 9 eligible to receive an equitable portion of the receipts.

331 10 A joint E911 service board or the department of public
331 11 safety, to receive funds from the wireless E911 emergency
331 12 communications fund, must submit a written request for such
331 13 funds to the administrator in a form as approved by the
331 14 administrator. A request shall be for funding under an
331 15 approved E911 service plan for equipment which is directly
331 16 related to the reception and disposition of incoming wireless
331 17 E911 calls. The administrator may approve the distribution of
331 18 funds pursuant to such request if the administrator finds that
331 19 the requested funding is for equipment necessary for the
331 20 reception and disposition of such calls and that sufficient
331 21 funds are available for such distribution.

331 22 If insufficient funds are available to fund all requests,
331 23 the administrator shall fund requests in an order deemed
331 24 appropriate by the administrator after considering factors
331 25 including, but not limited to, all of the following:

331 26 (a) Documented volume of wireless E911 calls received by
331 27 each public safety answering point.

331 28 ~~(b) The population served by each public safety answering~~
331 29 ~~point.~~
331 30 ~~(c) The number of wireless telephones in the public safety~~
331 31 ~~answering point jurisdiction.~~
331 32 ~~(d) The public safety of the citizens of this state.~~
331 33 ~~(e) Any other factor deemed appropriate by the~~
331 34 ~~administrator, in consultation with the E911 communications~~
331 35 ~~council, and adopted by rule.~~

332 1 ~~(3) 2A. a. The administrator program manager shall submit~~
332 2 ~~an annual report by January 15 of each year to the legislative~~
332 3 ~~government oversight committee advising the general assembly~~
332 4 ~~of the status of E911 implementation and operations, including~~
332 5 ~~both land-line wire-line and wireless services, and the~~
332 6 ~~distribution of surcharge receipts, and an accounting of the~~
332 7 ~~revenues and expenses of the E911 program.~~

332 8 ~~b. The program manager shall submit a calendar quarter~~
332 9 ~~report of the revenues and expenses of the E911 program to the~~
332 10 ~~fiscal services division of the legislative services agency.~~

332 11 ~~c. The legislative government oversight committee shall~~
332 12 ~~review the priorities of distribution of funds under this~~
332 13 ~~chapter at least every two years.~~

332 14 Sec. 455. Section 34A.7A, subsection 3, Code 2003, is
332 15 amended to read as follows:

332 16 3. The amount collected from a wireless service provider
332 17 and deposited in the fund, pursuant to section 22.7,
332 18 subsection 6, information provided by a wireless service
332 19 provider to the administrator program manager consisting of
332 20 trade secrets, pursuant to section 22.7, subsection 3, and
332 21 other financial or commercial operations information provided
332 22 by a wireless service provider to the administrator program
332 23 manager, shall be kept confidential as provided under section
332 24 22.7. This subsection does not prohibit the inclusion of
332 25 information in any report providing aggregate amounts and
332 26 information which does not identify numbers of accounts or
332 27 customers, revenues, or expenses attributable to an individual
332 28 wireless communications service provider.

332 29 Sec. 456. Section 34A.8, subsection 2, unnumbered
332 30 paragraph 2, Code 2003, is amended to read as follows:

332 31 The program manager, joint E911 service board, the
332 32 designated E911 service provider, and the public safety
332 33 answering point, their agents, employees, and assigns shall
332 34 use local exchange service information provided by the local
332 35 exchange service provider solely for the purposes of providing
333 1 E911 emergency telephone service, and it shall otherwise be
333 2 kept confidential. A person who violates this section is
333 3 guilty of a simple misdemeanor.

333 4 Sec. 457. Section 34A.9, Code 2003, is amended to read as
333 5 follows:

333 6 34A.9 TELECOMMUNICATIONS DEVICES FOR THE DEAF SPEECH AND
333 7 HEARING=IMPAIRED.

333 8 ~~By January 1, 1990, each county Each public safety~~
333 9 ~~answering point shall provide for the installation and use of~~
333 10 ~~at least one telecommunications device devices for the deaf at~~
333 11 ~~a public safety answering point speech and hearing=impaired.~~

333 12 Sec. 458. NEW SECTION. 34A.10 E911 SELECTIVE ROUTER.

333 13 On and after July 1, 2004, only the program manager shall
333 14 approve access to the E911 selective router.

333 15 Sec. 459. Section 34A.15, Code 2003, is amended by adding
333 16 the following new subsection:

333 17 NEW SUBSECTION. 1A. The auditor of state or the auditor
333 18 of state's designee shall serve as an ex officio nonvoting
333 19 member.

333 20 Sec. 460. Section 34A.15, subsection 2, Code 2003, is
333 21 amended to read as follows:

333 22 2. The council shall advise and make recommendations to
333 23 the administrator and program manager regarding the
333 24 implementation of this chapter. Such advice and
333 25 recommendations shall be provided on issues at the request of
333 26 the administrator or program manager or as deemed necessary by
333 27 the council.

333 28 Sec. 461. Section 16.161, unnumbered paragraph 1, Code
333 29 2003, is amended to read as follows:

333 30 The authority shall assist the administrator program
333 31 manager, appointed pursuant to section 34A.2A, as provided in
333 32 chapter 34A, subchapter II, and the authority shall have all
333 33 of the powers delegated to it by a joint E911 service board or
333 34 the department of public defense in a chapter 28E agreement
333 35 with respect to the issuance and securing of bonds or notes
334 1 and the carrying out of the purposes of chapter 34A.

334 4 Sec. 462. Section 22.7, Code Supplement 2003, is amended
334 5 by adding the following new subsection:
334 6 NEW SUBSECTION. 48. Sex offender registry records under
334 7 chapter 692A, except as provided in section 692A.13.
334 8 Sec. 463. Section 229A.8A, subsection 4, Code Supplement
334 9 2003, is amended to read as follows:
334 10 ~~4. For purposes of registering as a sex offender under~~
334 11 ~~chapter 692A, a person placed in the transitional release~~
334 12 ~~program shall be classified a "high-risk" sex offender and~~
334 13 ~~public notification shall be as provided in section 692A.13A,~~
334 14 ~~subsection 2. A committed person who refuses to register as a~~
334 15 ~~sex offender is not eligible for placement in a transitional~~
334 16 ~~release program.~~
334 17 Sec. 464. Section 692A.13, Code Supplement 2003, is
334 18 amended by striking the section and inserting in lieu thereof
334 19 the following:
334 20 692A.13 AVAILABILITY OF RECORDS.
334 21 1. The department may provide relevant information from
334 22 the sex offender registry to the following:
334 23 a. A criminal or juvenile justice agency, an agency of the
334 24 state, any sex offender registry of another state, or the
334 25 federal government.
334 26 b. The general public through the sex offender registry's
334 27 web page, except that relevant information about an offender
334 28 who was under twenty years of age at the time the offender
334 29 committed a violation of section 709.4, subsection 2,
334 30 paragraph "c", subparagraph (4), shall not be disclosed on the
334 31 web page.
334 32 c. The single contact repository established pursuant to
334 33 section 135C.33, in accordance with the rules adopted by the
334 34 department.
334 35 2. A criminal or juvenile justice agency may provide
335 1 relevant information from the sex offender registry to the
335 2 following:
335 3 a. A criminal or juvenile justice agency, an agency of the
335 4 state, or any sex offender registry of another state, or the
335 5 federal government.
335 6 b. The general public, including public and private
335 7 agencies, organizations, public places, public and private
335 8 schools, child care facilities, religious and youth
335 9 organizations, neighbors, neighborhood associations, community
335 10 meetings, and employers. Registry information may be
335 11 distributed to the public through printed materials, visual or
335 12 audio press releases, or through a criminal or juvenile
335 13 justice agency's web page.
335 14 3. Any member of the public may contact a county sheriff's
335 15 office or police department to request relevant information
335 16 from the registry regarding a specific person required to
335 17 register under this chapter. The request for information
335 18 shall be in writing, and shall include the name of the person
335 19 and at least one of the following identifiers pertaining to
335 20 the person about whom the information is sought:
335 21 a. The date of birth of the person.
335 22 b. The social security number of the person.
335 23 c. The address of the person.
335 24 4. A county sheriff shall also provide to any person upon
335 25 request access to a list of all registrants in that county.
335 26 However, records of a person protected under 18 U.S.C. } 3521
335 27 shall not be disclosed.
335 28 5. Relevant information provided to the general public may
335 29 include the offender's name, address, a photograph, locations
335 30 frequented by the offender, relevant criminal history
335 31 information from the registry, and any other relevant
335 32 information. Relevant information provided to the public
335 33 shall not include the identity of any victim.
335 34 6. Notwithstanding sections 232.147 through 232.151,
335 35 records concerning convictions which are committed by a minor
336 1 may be released in the same manner as records of convictions
336 2 of adults.
336 3 7. Sex offender registry records are confidential records
336 4 pursuant to section 22.7 and shall only be released as
336 5 provided in this section.
336 6 Sec. 465. Section 901.4, Code Supplement 2003, is amended
336 7 to read as follows:
336 8 901.4 PRESENTENCE INVESTIGATION REPORT CONFIDENTIAL ==
336 9 DISTRIBUTION.
336 10 The presentence investigation report is confidential and
336 11 the court shall provide safeguards to ensure its
336 12 confidentiality, including but not limited to sealing the
336 13 report, which may be opened only by further court order. At
336 14 least three days prior to the date set for sentencing, the

336 15 court shall serve all of the presentence investigation report
336 16 upon the defendant's attorney and the attorney for the state,
336 17 and the report shall remain confidential except upon court
336 18 order. However, the court may conceal the identity of the
336 19 person who provided confidential information. The report of a
336 20 medical examination or psychological or psychiatric evaluation
336 21 shall be made available to the attorney for the state and to
336 22 the defendant upon request. The reports are part of the
336 23 record but shall be sealed and opened only on order of the
336 24 court. If the defendant is committed to the custody of the
336 25 Iowa department of corrections and is not a class "A" felon, a
336 26 copy of the presentence investigation report shall be
336 27 forwarded to the director with the order of commitment by the
336 28 clerk of the district court and to the board of parole at the
336 29 time of commitment. Pursuant to section 904.602, the
336 30 presentence investigation report may also be released by the
336 31 department of corrections or a judicial district department of
336 32 correctional services to another jurisdiction for the purpose
336 33 of providing interstate probation and parole compact services
336 34 or evaluations, or to a substance abuse or mental health
336 35 services provider when referring a defendant for services.
337 1 The defendant or the defendant's attorney may file with the
337 2 presentence investigation report, a denial or refutation of
337 3 the allegations, or both, contained in the report. The denial
337 4 or refutation shall be included in the report. If the person
337 5 is sentenced for an offense which requires registration under
337 6 chapter 692A, the court shall release the report to the
337 7 department ~~which is responsible under section 692A.13A for~~
337 8 ~~performing the assessment of risk.~~
337 9 Sec. 466. Section 692A.13A, Code 2003, is repealed.
337 10 Sec. 467. APPLICABILITY OF AVAILABLE RECORDS IN THE SEX
337 11 OFFENDER REGISTRY. Section 692A.13, as amended by this
337 12 division of this Act, shall apply retroactively to all
337 13 offenders on the registry.
337 14 Sec. 468. EFFECTIVE DATE. This division of this Act,
337 15 being deemed of immediate importance, takes effect upon
337 16 enactment.
337 17
337 18
337 19

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

337 28 I hereby certify that this bill originated in the Senate and
337 29 is known as Senate File 2298, Eightieth General Assembly.
337 30
337 31

MICHAEL E. MARSHALL
Secretary of the Senate

337 35 Approved _____, 2004

338 1
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338 4 THOMAS J. VILSACK
338 5 Governor